

## Closed Caption Log, Council Meeting, 05/13/10

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Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell, we'll begin today with t invocation by major john carter from the salvation army. I would note that the major has brought us all doughnuts. Which I will now put behind the counter.

[Laughter] everyone please rise.

>> Let me say thank you, folks, for giving me the opportunity to do this. And also remind everyone that there's no eating in the chamber. So -- [laughter] let's -- let's pray.

>> Mayor Leffingwell: Thank you, major, for that.

>> Heavenly father, thank you for allowing us to live in a country that has order. And we thank you that we live in a country that promotes freedom of speech and freedom of religion. We know that with this freedom comes a great responsibility, not only for our elected officials, but for every citizen and person who lives in this nation. So help us to assume this responsibility with -- with love and truth. We pray for our city and for our city council members. We pray that the decisions that are made in this room would always be in alignment with your will. Help us to regard each person not simply as humanity, but as a brother or sister living together with the unique gifts that you have given to everyone. We again thank you for the gift of life and pray that you will help us to use this gift wisely. For we make this prayer in your holy name. Amen.

>> Mayor Leffingwell: Amen. Please be seated. A quorum is presents, so I'll call this meeting of the austin city council to order on thursday, may 13th, 2010. We are meeting in the council chamber of the austin city hall, 301 west second street, austin, texas. We begin with the changes and corrections to today's agenda. 4 has been withdrawn. 21, add at the end recommended by the water and wastewater commission. 33, add at the end additional co-sponsor, councilmember sheryl cole. Items 37 and 48, are POSTPONED UNTIL MAY 27th, 2010. 42, strike the word "and" after set a public hearing, so that it reads "set a public hearing to consider a request by walgreen company for a " I would note that at item time certain, this is not being , staff will be requesting a postponement of this item. And the same with item no. time certain the postponement of this item will be requested by the applicant and the council normally honors these requests on a first-time basis. Our time certain items, at 10:30, morning briefings.

First we'll have a briefing by the mayor's mental health task force committee annual report. Then we will have a water conservation marketing and outreach plan presentation. And, third, we'll have a briefing on the material recovery facility short listed proposal presentation. 00 noon, we'll have our citizens communications. , we'll take up our zoning matters. 00, we'll have our public hearings. 30, live music and proclamations and against 00, one additional public hearing, which again we anticipate will be postponed. So the consent agenda is items number 1 through 43, and I will read the number 27, which is appointments to boards and commissions into the record. for the community development commission, george morales, representing the dove springs neighborhood appointed by yours truly, mayor leffingwell and to the early childhood council, jacquelyn porter, representing the aisd, against by yours truly, mayor leffingwell. Items that are pulled off the consent agenda, items number 6 and 30 are pulled by councilmember sheryl cole. 13 will be pulled for a staff presentation. 21, pulled by councilmember morrison. Item 35 is pulled by councilmember riley. Item 7 and 8 are pulled by mayor pro tem martinez and 40 is pulled by myself, mayor leffingwell. There are no items pulled because of an excessive number of speakers. We do have a number of items with one speaker signed up. So before I entertain a motion for approval of the consent agenda, we will hear from those single speakers on these items. 5, item 5, we have deidre o'connor signed up to speak against. Deidre o'connor in the chamber? Not in the chamber. 16, james kerr, signed up for. James kerr. Is james kerr in the chamber? James evidently not in the chamber. 33, sabin -- gavino rodriguez. You will have three minutes, signed up in favor of the item.

>> Mayor and comment, my name is gavino rodriguez, current chair of the east cesar chavez neighborhood planning team and immediate past chair of the austin community development commission. The ecc team has been invited by the rbj board of directors to serve on the community advisory committee to study the feasibility of doing some redevelopment on their 18-acres to improve the quality of affordable housing for seniors, living there now, and the possibility of increasing the numbers of low income units on the site. I provide -- that provide some retail and professional service to -- service to elderly residents living there and nearby residents like me. For the record, I live on the same block as the rbj tract. We've had three very productive advisory committee meetings so far and have posted agenda items about the ecc team's support for the master plan process since september of 2009 and reported -- about the community advisory committee in the grapevine news letter and the past four newsletters which are distributed to 1300 doors in our neighborhood every other month. The process in our neighborhood never come -- i want you to know that this is a transpbrent process and the rbj board has been very responsive to our input and it's committed to holding a large public community meeting organized by neutral parties so that no individual group, no individual or groups in the area feel left out of the process. We all know there will be some opposition to any change in our neighborhood and the resolution before you today asks that the city formally participate in the master plan process so that no one can come before you and say later when consensus on the redevelopment plan is reached that no one represented them in a negotiation. The city becoming a former partner in the advisory plan is [indiscernible] -- the city becoming a formal partner on the advisory committee with the rbj board and the ecc team representative ensure transparency. This is a public/private partnership with our neighborhood that respects our adopted neighborhood plan and will definitely improve the quality of life for everyone living or near the beautiful and historical piece of land. Speaking of the tract being historic,

let me explain a little. Yesterday we delivered to your office a copy of our new tejano healthy walking trail guide. The rbj tract is very important historically -- historical asset for us. From 1939 to 1968 it used to be a federal fish hatchery. I remember playing there as a curious little boy. I would like to make sure that you read the site description on page 10 and 12 of the guide so you can appreciate the path as we move into the -- the past as we move into the future and develop this land. Thank you.

>> Mayor Leffingwell: Thank you, gavino.

>> Cole: I'm sorry, i think number 41 also needs to be pulled. We have speakers on the change --

>> Mayor Leffingwell: Councilmember, we have one speaker. We are going to take that speaker next. That's what I'm going to call up now, bob odell. Signed up to speak on item 41. You have three minutes. I would note as councilmember cole stated there are several other folks in favor, but they are not wishing to speak.

>> Thank you, mayor, members of the council and assistant city manager. My name is bob odell, I'm a west austin business owner. And some, myself and other west austin business owners, have found it useful and appropriate to honor dr. seabrook, dr. j.j. Seabrook who died on may 1st, 1975, IN COUNCIL Chambers, speaking in support of the renaming martin luther king, jr. Boulevard. The -- the reason we are doing this today is we believe it's useful to -- to continue the work of building and improving race relations between east and west austin. The significance of the location for the consent item to name the bridge at martin luther king, jr. Boulevard and I 35 to name that the jj sea brook bridge, is important because i-35 has been a symbol of division between east and west austin. But martin luther king, jr. Boulevard has been the symbol of unity between east and west austin so the symbol of unity is in fact the bridge. Also others have joined me in establishing the seed fund for a scholarship at houston tillotson university in honor of dr. jj seabrook. While we are not sure what needs done for signage of this event. I would be happy to work through councilmember cole's office to support what may be needed as that process moves along. And, finally, after signage is completed, we would like to -- to privately fund some kind of commemoration event near the bridge in which we would certainly invite you to participate. We would love to have you as part of that. Thank you very much.

>> Mayor Leffingwell: Thank you.

>> Cole: Mayor, I have a few comnts to mr. odell.

>> Mayor Leffingwell: Okay, councilmember, first i want to read these names which were just given to me who are signed up in favor, but not wishing to speak. Reverend joseph parker, reverend are you in the chamber? Thank you for coming coming down. Thomas cogdale. Frank costenboter, those the additional people signed up in favor. Councilmember?

>> Cole: Thank you, mayor. I want to thank the west austin business owners and also my co-sponsors, councilmember morrison and mayor pro tem martinez. And the only thing that i would caution the west

austin business owners about is coming to city hall and offering money because that means that you have to give it to all of us. But I do want to -- to say that we all recognize your point in -- in saying that our city has historically and still is presently austin divided along geographic lines and racial lines. And that this item today makes an attempt to -- to heal that division, even though it is only in a symbolic manner. But that is where you start to place a book mark in history and recognize that we want to begin the process of rewriting that history were and unity and reconciliation. Your willingness to work with the city council and many -- many of the african-american leaders and east austin leaders and not just get together and study the study and talk the talk, but to actually put funding on the table, is -- is very appreciated. So, again, thank you.

>> Thanks you, I'll entertain a motion to approve the consent agenda. Discussion? All in favor say aye.

>> Aye.

>> Any opposed? Passes on a vote of 7-0.

>> Mayor I actually had discussion --

>> Mayor Leffingwell: You are not fast enough, mayor. Go ahead.

>> Cole: He is fast.

[Laughter]

>> Martinez: I just wanted to make a couple of comments on one of the items that mr. Rentareas spoke so the rbj, rebecca baines johnson. I want folks to know the significance of this project. This is not just another old folks home. What we're talking about is a community within a community, if you will, for our more mature citizens who are still very active, want to be a part of austin and part of the vibrancy of downtown. There are tremendous opportunities on this site that we hope to achieve. We're just now engaging in conversations about what it could look like, what it may turn into some day. But I think there's a tremendous opportunity on this site to create some true affordable housing and mixed use development. Bringing in cultural arts and museums and programs for folks who want to remain active in their community and stay connected to their community and so I just wanted to thank the stakeholders for including the mayor and I and now councilmember cole and i look forward to the work on this project. Thank you, mayor.

>> Cole: Mayor, I had a word on that, too, I forgot.

>> Mayor Leffingwell: Thank you, mayor pro tem. Mayor pro tem and councilmember cole both get an extra jelly doughnut from the salvation army. Go ahead.

[Laughter]

>> Cole: I want to thank the rbj foundation for asking me, also, to be a pafort stakeholder group. This is - part of the stakeholder group. This is a site that we are intimately familiar with and that I talked about extensively with former mayor pro tem betty dunkerly, I also want to emphasize that all of the council has been deeply committed to affordable housing and that is a huge project for the council to undertake and I expect that all of the councilmembers will be involved in some way in -- in this redevelopment.

>> Thank you. So the consent agenda is approved unanimously and will go -- we'll go now to 6, pulled by councilmember cole. Councilmember, number 6?

>> Cole: Number 30? I would like to see if mr. Rudy garza can come forward. And -- and also mr. -- mr. Joe pantalion. I would also note there's one speaker on this item.

>> Cole: Okay. garza, I pulled this contract because I was particularly concerned about our outreach efforts and the fact that there was such low minority participation, even with the lowest bidder. Can you explain what process we used and any insight that you have gotten into that outcome.

>> What I would like to do is have [indiscernible] walk you through the specifics of this particular contract and then maybe give some background on some of the other things that we have going on simultaneously, just to help overall with the [indiscernible] participation. Good morning, veronica, director, smbr. What I would like to do is give you an overview of what we looked at in terms of compliance with the program on this particular project, then I believe we also have representatives from tyson in the audience, I would like them to speak, also, to their efforts.

>> Let's ask them to come up now.

>> Okay. Looking at the compliance with the program on this project, we did as you know, when we have our policy that if -- if t goals that were achieved are half or less of what the goal was set on the project, we do look at the additional steps needed for good faith efforts and this particular case luaghlin-thyssen did contact 's in and outside of the slbp. They folded up with interested -- followed up with interested bidders. My understanding from based on conversations with them, they also called potential es that might be able to bid on certain scopes of work where a certain certification or specialty area of expertise was needed and tried to determine whether or not they had that expertise. They did receive three bids from african-american firms. Two of the bids were for hauling. The hauling component of this project will fall under demolition and they are self performing the demolition scheduled work, they can speak more to that. My understanding based on my conversations with them is the hauling component of demolition is very small and that is why they decided to self perform. The other bid that they received was for photography. The bid that they received was from a dually certified and , they did decide to firm for photography. My understanding is that they chose to use that firm because the bid was lower. That was our analysis of their submittal. Just to recap some of the things that we have done as a department to increase participation, we've had a series of outreach events through the past few years, we have a monthly event. We also work closely with our service providers, with other minority organizations in

community to make sure that we are out in the community. We have recently changed our -- amended our rules to -- to increase a more stringent sanctions process. We did that two years ago and again amended our rules in october to -- to increase that -- to increase the -- the overview o process. We also are currently looking at revising our rules to -- to better define negotiation. This is something that's in place right now. We are going to soon release that amended rule regarding negotiation. And as I mentioned to begin with, we have -- we have strengthened our review process in regards to the additional good faith efforts and to formalize that process when we do have project that's fall into this scenario, we have an internal review in our department of all of our preaward staff, myself and the division manager for compliance, so that we have an actual committee reviewing these projects and not just one individual employee. So that's an overview of what we have done as a department.

>> Cole: Okay. Can I hear from the contractor, would you just basically explain some of your efforts, even though i know veronica explained some of --

>> my name is larry thyssen, with laughlin. This is a very specialized project with very specialized tasks to complete the scope of work. It did not contain typical activities that would be subcontracted in a more common type of utility project. We solicited all of the contractors least listed in the m.b.e. w.b.e. Procurement publication that was published with this less solicitation. In addition we contacted several contractors by telephone to discuss their ability to participate in the specialized activities and meet some requirements from a -- from a contractor's standpoint for licensing. Typically, I think if you will look at our record, we have either met or exceeded goals on projects and once we get into a project, we usually increase the amount of -- of participation that we have submitted that we would. Once we completed this bid, we have received a couple of calls from -- from suppliers that did not respond initially. One was a concrete supplier. So where he do expect to increase -- so we do expect to increase the published participation, although we still do not believe that we will bable to meet the goal that was specified in the contract. Mainly because this is such a specialized project.

>> Cole: You made a reference to your record. Are you talking about on other city projects?

>> Yes, ma'am. Typically we will have met or exceeded those goals. I'm just saying this project is not a typical project or a typical utility type of project. It's a very specialized and environmental sensitive project. There's not a lot of opportunity for subcontract that you would typically see in a normal utility type of job. There's only three or four major tasks in this job. And bulk of the work has to be performed by a fabricator. This contract required that fabricator to have some specific licensing, so we were not able to subcontract the fabrication to a local minority here in the city. One of the things that you have mentioned was hauling. There's -- there's virtually no hauling on this project. And the balance of it is -- is removal of paint. It's over an active stream and we have to deal with that project very carefully to ensure that the paint and debris does not get down into the water. So it's a very -- very environmentally sensitive activity. There's not a minority firm that has -- has in -- contacted us to participate in that type of activity.

>> Okay. I really do appreciate your comments. And the fact that you have made specifically clear,

especially to this council, the absence of minority businesses and in particular americans businesses involved in environmental type of work. And I think that -- that we need to do all we can to encourage that on local participation levels, of course. But we also need to recognize that -- that we use firms from around the world. Ke we did at webberville. So we just want the contractors to understand that. When they go out for bid for work -- when we make these goals, of course, we want local participation, but that doesn't necessarily mean that if you can't find minority local participation, that we don't also encourage you to go outside of the city.

>> Now, we have contracted -- the environmental company that we are negotiating with contract is a woman-owned, but they are not registered with the city of austin. But they are a minority.

>> Cole: I appreciate your good faith efforts. I know that on this project that professional staff has made extra efforts to try to do outreach work. I know that joe pantalion from watershed is standing back there. He's going to kind of lay out some of those efforts. I appreciate your testimony.

>> Thank you.

>> Good morning, mayor and council, joe pantalion with watershed protection. Our team has implemented a very aggressive outreach program for mw and sbe firms. Primarily two elements, one project bid packaging, the second participation and enhancement program. This framework was presented to the advisory committee last year. And well received and we have been implementing that since that point in time. As far as the project packaging is concerned, instead of bidding out as one large project or even four large projects, we have made an attempt to break out smaller projects. Such as this bridge rehab project on the agenda today. We also have the boat house and the site restorations that follow the major work at each of the project locations and touch surface. That's something that was well received. The second thing our project team and consultants are actually partnering with dsmb, the firms out there, we work with smbr to screen their availability list, contacted each of the firms that could work on the project and then on a bid by bid basis we will be doing additional work to make sure that the information is outlet there in terms -- out there in terms of the project coming forward. For example, some of the work our team completed today, we did get with dsmb, their database of over 4,000 contacts and our consultants correlated those contacts by commodity codes, so those commodities codes that could potentially be used on our project. That came out to about 441 contacts. Efforts were made to contact all of the austin area contractors within this group to make sure we had the most up to date information and actually helped to update the dsmb database for these firms. We have also participated in project review and networking sessions. We actually had one on the project back in december two months before it went to bid. We have a couple more scheduled here, one in july the next the fall of this year. Finally for the specific project, we did develop a project flier, sprid that to dsmb to share with their customers at their monthly meeting sessions. Also e-mail and faxed the bid advertisement to all of the firms on that contact list. After the preproposal meeting was held, we make sure that they got a sign in sheet from that preproposal meeting so they would not who signed up and who was primes on the project. That's something we will be doing on each of the 10 projects as we move forward.

>> Cole: Thank you, mr. Pantalion. Mayor, I don't have any other questions of staff. I understand that we have a speaker?

>> Mayor Leffingwell: We do have a speaker. I just wanted to make a brief comment to reinforce basically what has already been said here. Our ordinance with regard to webb/m.b.e. addressw.b.e. addresses only the aspect of outreach. It does not address the number of m.b.e. and w.b.e. Who are awarded contracts that would be a violation of federal law and would potentially invalidate the ordinance that we have in place right now. So this is something that comes up very frequently. I think it came up last week. We addressed it with the same comment. But I think that we have to be very careful here and realize that the city has an aggressive m.b.e./w.b.e. Ordinance which operates within the confines of restrictions proposed by federal law. I'm convinced that we are doing that. We do have one speaker, carol hadnot signed up against the item. If you would like to come forward to speak, you have three minutes.

>> Good morning, my name is carol hadnot. I am the -- I am the program manager and consultant for the austin area black contractors association. I just heard those discussions and I don't have time to go into it, but there's an integrity issue with all of that the city was said previous to this. But there is not no 4,420 contacts on the smbr list. It's in 1900 range. What we really want to talk about is the importance of this project connecting to the east austin community. And that's why it's important to make sure that all of the community participate in this project, specifically african-americans who are -- who are most projects are left out. And we're not asking anyone to give us anything or to violate the ordinance. I think we know the federal law as well as anybody else. What we're asking for is participation. Not a -- not just to put us on the project. There are some people who can do environmental work as well on this project. But when you have goals of 29 for african-americans 44 61 , well, that's in fact that we don't have the availability to participate. Why did dsmbbr not advise that the availability is not there and not come up with these goals? Because that is misleading. If the goals should not have been set at that, then they should have looked at other goal setting processes. It's just -- that we are participants in this project, just like a few minutes ago you -- you approved that for -- for the martin luther king, bridge to connect the community. This is the same situation here. The same type much situation. It keeps -- type of situation. It keeps up divided. We know that our councilmember cole who we hold in high esteem and some of you other that's we do, other that's we do,

[laughter], I'm sorry. I apologize. But we know that she's been a champion of many of these projects. We want her to be successful as well as the others who support her. But we have got to also ensure that the community is successful as well. And we would like to see that dsmbbr look more stringently and analyze these projects as well as look at these general contractors to make sure that they connect their deficiencies to meet the stated goals prior to the please of the project and that they continue to monitor and analyze it. And that's what we're asking. Thank you.

>> Thank you, sheryl.

>> Thank you, ms. hadnot.

>> Mayor Leffingwell: Councilmember cole?

>> Cole: I just had a couple of comments about ms. hadnot's statements. When mayor pro tem betty dunkerly and I were first working on the waller creek project one of the things that we often talked about was the entire for that project to be used for a catalyst between east and west austin and that was very favorably received throughout the city. So I totally agree with hadnot's comments in that regard. At the same time, I also know that the t.i.f. Projections on this project are very, very tight and that the necessity of staying on budget and on schedule is very, very important. And that this contract amount of approximately 575,000 is really a small piece of what is yet to come. And so I'm going to ask -- ask staff to make sure that proper outreach efforts are made with -- with all of the minority contractors to be able to -- to participate in this economic development process. With that I move approval.

>> Councilmember cole moves to approve item no. 6. Seconded by councilmember spelman. Any further discussion? Councilmember shade.

>> Shade: I will make a point hoping I'm one of those councilmembers that carol hadnot is acknowledging. I just want to say, too, how very important this project is. How much I echo the sentiments that councilmember cole and mayor pro tem martinez made on this. How important it is, also, as we are trying so hard to get private investment which is going to be a very important part of the success of this project, that it imperative that we not slow down that shows a lack of commitment to move forward even in the down economic time that's we're facing at the moment. I just wanted to add that reinforcement for the reason for supporting the item at the moment. But with the full understanding and -- and acknowledgment of ms. hadnot's comments.

>> Mayor Leffingwell: Further comments? All in favor say aye.

>> Aye.

>> Any opposed? Pass vote of 7-0. I believe we can take up 7 and 8 without objection, i will recognize councilmember martinez.

>> Thank you, mayor, I will try to make this very brief. The point of pulling this item is just basically principle for me that this item would authorize negotiation and execution of a piece of property that we have not yet agreed to vacate. We postponed an item at the last council meetings that was a 67 million-dollar price tag to move austin energy's control center out to a piece of property that we purchased last year, called tokyo electron. And while we still have a lot of questions as to how we got to the point of \$67 million, we haven't taken that vote yet as a council. As a body. And so I just think that -- that, you know, it just basic reasoning would suggest that we wait to authorize negotiations and execution of a master development agreement over a property when -- until after we have decided we're going to vacate that property. And so what I'm seeking is a postponement. My staff met with austin energy and

egr staff yesterday. If there's something kevin that you guys want to share, that's fine. But my basic motion is to postpone these two items until after the council has decided what to do with the -- with the austin energy control center. Whether or not we're going to move it.

>> Mayor Leffingwell: That's a motion by councilmember martinez. We do have one speaker. But since the item is being postponed or there will be a motion to postpone, you can speak only to the merits of the postponement, not to the merits of the case, we do have andrew clementss signed up. Do you wish to speak to the postponement? Not to the merits of the case. All right, motion by the mayor pro tem, to postpone items 7 and 8, seconded by councilmember morrison, councilmember riley?

>> Riley: Mayor, I'm going to support the postponement. I want to say a word about one aspect of this proposal that I hope we can address over the couple of weeks until it comes back to council. This site sits on the north side of the third street right-of-way, between west avenue and shoal creek not currently built out. As we set the terms for the development for this site, i hope that we will make sure that there is room for within those terms for the development of a plaza on is no immediate plan to develop car access across shoal creek at third street. So at least until the time that the city happens, we will continue to see a significant pedestrian activity in that area. For many years now there's been an interest in establishing a bicycle pedestrian access plaza there right in the seaholm area. Currently as I look at the proposal, I see in appendix g sets out cross-section for a regular street, which i think is just unnecessary at this point. In the absence of a plan to -- to actually build a car bridge across shoal creek, I think we ought to make sure that there is leeway within the terms of this proposal to -- to establish a plaza there. As you know, we -- we recently authorized work on a significant art project there on the south side of that area. To shield the utility facilities. There's a huge potential to creating a significant public amenity in this area. I think that potential would be maximized if we leave -- leave leeway in this proposal to make -- to develop that as the plaza as opposed to a regular street. I just wanted to make -- my hope is that I wanted to provide guidance on that in the hope that we could -- that we could have that leeway and the proposal comes back to us two weeks from now. I will just say at our last meeting when we discussed another item, the related item, the actual full build out of the move on austin energy to another site from this site, a more

[indiscernible] explanation of the cost and how it got to be that -- that austin energy was able to make a lateral move like this at no cost to them. I got a memo of -- this morning when I came to work, which explained some of it, basically closed that gap by about 20 million-dollar, we got about 20 plus million more of explanation to find out how we got from this -- from the site over here at the control center site over here to the tokyo electron site. So I look forward to getting more data on that when we reconsider this item on the 27th. Anything further? All in favor of the postponement? Say aye.

>> Aye.

>> Any opposed? Passes on a vote of 7-0. Now, council, we will go to our morning briefings. And the first briefing is an annual report by the mayor's mental health task force.

>> Welcome, doctor.

>> Good morning, my name is Susan Stone, I'm the executive coordinator of the mayor's mental health task force monitoring committee. I'm happy to be able to present to you our fifth annual report. As you know, the monitoring committee is a broad-based collaborative that's been meeting for the past five years. We were first appointed by then mayor Will Wynn to really move Austin to become a national model of a mentally healthy community. We are a broad-based collaborative, we have representation from judges, defense attorneys, prosecutors, school officials, mental health professionals, consumers, advocates, we have been meeting monthly for the past five years really looking at how it is that we could move Austin forward. Our fifth annual report that I'm presenting today has -- has some measuring of system change, we -- I'll talk to you a little bit about some community indicators that we have developed. It provides updates on focus areas and I want to talk to you a little bit about future directions of our committee. The -- the role of the monitoring committee has really evolved over the past five years. We do a lot of coordination and planning activities. We've also done some public forums around various issues, we have done a public forum on criminal justice, one on early childhood intervention and two on housing. Housing is a particularly important focus area for our committee. But probably the most important role that we have developed in the past has been data development. That really -- while individual agencies are gathering data for their own individual purposes, we didn't really -- when we started our work, we didn't have any community data around how it is that we're doing as a mentally healthy community. So we have been doing a number of data development projects. We started our work by doing what we call system mapping. It was clear to us at the beginning that we really didn't know in our community what kinds of mental health services we had. Really looking at mental health services not just from a public perspective, but public and private because this is a community issue, not just a public sector issue. So we did some system mapping around finding out what kinds of services are available, what's the capacity of those services, what are the funding streams. And then we began to look mostly with the urging of David Lurie from the city to -- to really look at what should we have? As a community. So we did some -- some system capacity analysis, looking at both -- how many inpatient beds should we have, how many outpatient services should we have, how could we fund that to really look at addressing gaps in services. We also were chosen as a beta testing site for something called the mental health jail diversion cost simulation tool. What that was was data development around jail diversion efforts. When we talk about jail diversion moving people out of jails into mental health services, if you just look at those two systems, it's really cost shifting rather than cost savings. The cost simulation tool really looked at a subset of individuals in the Travis County jail and looked at the two years prior to their incarceration to look at what we were spending in the community on those individuals prior to incarceration. And found that when you look at it that way, mental health jail diversion is very much a cost saving down the road. When you look at emergency room usage, ambulance, law enforcement. We have also, as you all know, we were one of three entities that's commissioned the financial modeling study by the Corporation for Supportive Housing. That really did an analysis of what it would take for our community to really implement what we need and in terms of permanent supportive housing. That led to the resolution that you all passed last month around permanent supportive housing. But probably the most important data development that we have done is developing a set of behavioral community indicators. There are a lot of community indicators out there across the country around a

number of social services. But really as we begin our work, asking ourselves the question, how will we know if we are a mentally healthy community or not, when we began to look to see about behavioral health indicators there really weren't very many out there. We had to do a couple of years of national research to develop a set of behavioral indicators that we thought would help us measure our work in moving forward. We developed over the past five years, every year we developed a mentally healthy community score card monitoring those indicators over time. But one of the questions that we began to ask ourselves about four years of doing this score card is what are we really doing to make a difference in these indicators. We have been watching many of them increase over time, increases in the number of people with serious mental illness in the jail. Increases in the interventions between law enforcement and individuals with mental illness. What can we do to use these indicators to move social policy, make social change. That's a question that's been asked in a number of areas again across the country, mostly with regard to other social services but really hasn't been done in the past with regard to behavioral health. We ended -- we were initially charged for five years. And our five years ended in december of 2009. So in the fall of 2009, ad hoc committee of community leaders met several times to really analyze what should -- what should the monitoring committee do next or should it even continue to exist, to really ask that question. And what they charged to us do is to work for two more years to continue to exist but to work in a very different way. To really look at -- there's a process called results based accountability. It's pretty well known across the country again it's never been used for behavioral health, but really looks at identifying specific indicators, determining as a community where you want those indicators to go, and then start to -- to -- to develop expert panels to really move those indicators to make them turn to the direction we want them to do. This is again it's been done very successfully in other communities and we're really, really excited about doing this. We're also doing something called a root cause analysis. So similar to what I talked about with the jail diversion cost simulation tool. Looking at particular indicators, looking back to see what were the things that happened prior to that intervention that we could perhaps change to really move that indicator in a positive direction. We were charged again start in this january of this year, we spent a good deal of time interviewing people across the community to develop a set of indicators that we thought would be the most useful to work on in the next two years. There's been a lot of excitement around this work and we have funding from austin travis county interval care, the city, travis county has given us a grant. We also received a grant david's foundation. Hogg foundation provided us with a graduate research assistant. We were one of five communities across the country to receive a grants from the bazelon center for mental health law. I will talk about that more specifically in a minute. So we have chosen five indicators, the monitoring committee will continue to be an advisory committee, meeting quarterly. To guide this work. We have an executive committee for the indicator improvement initiative is what we're calling it. We have -- the executive committee consists of our david's foundation, the hogg phil wong agreed to serve from the city's perspective, judge biscoe. So the executive committee really guiding the work around these five indicators. I want to just lay out for you really briefly about what they are. I'm going to start with the right and move toward the left because the one on left is probably the one most important to the city. With regard to schools and youth we have chosen the rate of disciplinary referrals within aisd. This was chosen actually by the children in youth mental health planning partnership. They will serve as our steering committee for that particular indicator. One of the reason that's we chose it is because we have a lot of data. A lot of retrospective data about that, we can build a trajectory about where that's been

going, where that would go in the future if we didn't make changes in our comiewfnlt the second indicator is the percentage of emergency department

[indiscernible] substance abuse disorders. Obviously that's not the most effective way to get services. It's one that we have trajectory data in the past, we can look at ways to find alternate deliver systems. The third housing is a very important indicator for us. So we'll be looking at the percent of individuals who are reporting housing instability as they look for mental health services in various areas. Already we have a measurement tool that's used at both the front door of austin travis county interval care and the front door of austin track jail that measures housing and stability. We have agreement now from , from various private hospitals to add that same indicator into the front doors of their system. So we can really look across the community for people looking for mental health services how many of them have housing instability. I think it will be very educational for our system. The next is readmission to public psychiatric hospitals within 30 days of discharge. Basically these are individuals who got discharged from a publicly funded psychiatric hospital bed and were readmitted within 30 days of that discharge. Obviously not an intervention, obviously something went wrong if that's the case. That's an indicator that's actually been looked at pretty significantly over the past by the crisis implementation committee which serves the psychiatric stakeholders group. So they have agreed, the crisis implementation committee has agreed to serve as our steering committee for that particular indicator, we will be reporting back some trends to them in their june meeting. Finally, the one on the left is the percent of individuals in the travis county jail with serious mental illness. We have done a lot of work, acknowledged that, a lot of work with regard to the interface between criminal justice and mental health in our community. We have law enforcement strategies, court based strategies, specialists, attorneys, prosecutors, we probably are, you know, one of the national models for jail diversion activities. And yet despite all of those activities the percent of people with serious mental illness in the travis county jail has not decreased over time. We really want to look at what the issues are, doing kind of a root cause analysis, looking back at these individuals and see what we could do differently. This is specifically what the bazelon center for mental health law gave us the grant to do. What they want to do, we have done -- we have done a lot of work at the various intercept points, how do we actually prevent that intervention with law if we didn't have law enforcement action we wouldn't have the people in the jail. They have asked us to do -- look at people who are frequent users of law enforcement services and again do a root cause analysis about what we could have done differently. We have formed a steering committee. Began to look back. Particularly interesting for the city what we are really trying to do is work as a community to repurpose the use of law enforcement for really law enforcement rather than for mental health care. As a result of that decrease the number of people with serious mental illness in the jail. As I said the monitoring committee will continue as an advisory committee for this group. Indicator improvement initiative as our major activity over the next two years, also continue to do reports and publications across our five focus areas and continue with special projects and events such as our public forum. The end result of our two years of work in january of 2012, which will be a community action plan around each of these five indicators. Really not looking at specific agency action plans, baugh community action plan. One -- but a community action plan. One of the factors we use in choosing indicators is what we call they are very multi-factorial. I would be happy to take any questions,

but that's kind of our future direction.

>> Cole: Mayor? Mayor, I have a couple of questions. Stone and we certainly appreciate all your service on all of the previous mayors and the current measure's task force on this very, very tough issue. You spoke about result based accountability. And I just had a question of kind of what that meant.

>> Well, it's a process that actually starts with what you call a population result. And so in our -- in our example, our population result is a mentally healthy community. That's where we want to go. What are the indicators that move us toward a mentally healthy community? These are some of the indicators that do that. And then it's really about what they call setting tables. Really pulling together, setting a table, anybody who has anything to bear on that particular indicator comes to the table and often communities that have used this process come up with no cost or low cost solutions. Let me give you an example, one is a county in Vermont that suddenly looked up and realized they had the highest teen pregnancy rate in the state. They said that's not acceptable. So they pulled together a broad based group to look at what can we do to change that? And they did a number of different things. All of which were very -- were no cost low cost. They changed the way school counselors worked in their schools, put more a public health approach on school counselors. The faith based community came to the table and developed after school programs. Because that's when kids get pregnant is after school between the times they are out of school and their parents are at work, right? So they put together a number of different -- they actually changed the front door system of the public health so that at the time they started their work there was a 48 hour delay from the time a young woman would come in to get counseling until she saw a doctor. They changed it to same day service. In two years they went from the highest teen pregnancy rate in the state to the lowest, but doing various repurposing that didn't cost extra funding just a different way. I tell you the work that we have done already in the criminal justice steering committee, we looked at some folks who were calling 911 every day. The Austin police department has to respond to those 911 we looked back at some of those individuals, one, for example, was a man who had been in five different boarding care homes in six weeks. So when we do a root cause analysis on why it is that he's so involved with the criminal justice system, clearly that's a factor that can be changed. One of the solutions to that is permanent supportive housing. So kind of really looks at what are the things -- where do we want these indicators to go, what are some of the solutions that we can put together from a variety of different sources. We talked about in the criminal justice, what if we used 211 instead of 911 and linked it to mobile crisis outreach to really decrease the law enforcement angle and activity with regard to individuals who are seeking mental health services.

>> Cole: I have one other question. I really appreciate all of your support on the permanent -- all of your support on the permanent supportive housing initiative. I wonder if you can lay out to what you recommend as to providing mental health services in those facilities. Our resolution says that we are going to try to build those over a four year period, we have plenty of time for specifics. I would just kind of like to hear -- let my colleagues hear.

>> Sure. Permanent supportive housing is really -- very well researched and documented over a number of years. What we really talk about was the support component. That's the key part of this is the

support component. It's really kind of wrap around services. We start with in other community that have implemented this, you start with really intensive case management. That's the way you get somebody into a permanent home and successful there. As time moves on, we find as the case management becomes less intense and more affordable as people get more stable in that particular housing. So it's a lot more than just medication, medication is a part of it. But it's a lot more than that. It's really about, you know, helping people get the growsry that's they need so that they are -- groceries so they are not wandering on the streets to really help them with all of those various support services that intensive case management does. I think that we have got the resources to do that in our community and certainly the well at this point.

>> Thank you, dr. stone.

>> I just want to say i appreciate the work that you are doing. In spite of all of the great things about the city, mental health is still a significant problem. We have one the of of the highest suicide rates in the nation, if not the highest. I don't know what little now. Especially among young women here in austin. It is a significant contributor to the problem of homelessness and also to crime. We have made a lot of progress in the last few years with the start of your task force and my task force and with other organizations and I -- I also take the opportunity to

[indiscernible] of the mental health advisory group to -- to the hospital districts now called central health. All of these acronyms are changing so it's very confusing at times. That group has been meeting over three years now. In that time we have increased the number of emergency psychiatric care beds from zero to I believe it's up to -- to about 24 now. We have also increased the -- the interim housing, we have two -- one facility already online and another coming online to -- to address this problem. Progress has been made -- mainly as a result of coordination between your group and the -- and the group -- the group that i spoke about, the advisory board, which is comprised of members of the city of austin travis county, central health, and now called integral care which we used to call mhmr, all of these groups working together have worked to provide strategies and actually made progress on these items. So thanks to you and everybody else who has worked so hard on this very serious problem.  
Councilmember riley?

>> Riley: Mayor, I also wanted to thank you, stone for all of your all of the work of the committee. One question, as you work toward the action plans, that will be produced in january of 2012, I know that you will be gathering data and I expect that you will be identifying patterned and data, do you -- do you expect that the city data and -- or analysis of that data might be made available in reports and publications in advance of january 2012.

>> Absolutely.

>> Riley: And in what format? How would people find that? How might we expect to see that data provided?

>> What we'll do initially is report it back to our steering committees, we will ask them to really guide. For example we already have an obligation to report back to the crisis implementation committee with regard to the readmission data at their June meeting. Then we will take their guidance as to how to actually get people engaged in that data. That's a key component of what we will be doing.

>> Riley: Seems like it's going to be a fascinating body of information. I look forward to seeing it. And I expect that we would be glad to help get the word out as it becomes available.

>> Thank you.

>> Morrison: Excuse me, I wanted to thank you for your work. Really it provides a great model -- I think that it's a lot of work and attention. Councilmember Shade, economy sit on the community action network board of directors and you are probably aware that over the past year one of the projects that we have worked on and got in place was with a lot of effort was to put some indicators together of what really signifies what we should be measuring at a very high level of -- of what's a healthy commune, what's our goal as a community. Once you have got that information of where you are, then what do you do? I just really appreciate -- the process that you all have gone through and it shows how much expertise is needed, how much resourcefulness is needed and passion and commitment. So I really thank you for the work because I think it really has broad implications for all of us.

>> Well, I will quote Ash-ton, who I think was working with you all on those indicators. One of the things that he said to me, why do we have all these dashboards if -- all of these boards if nobody is driving the car.

>> Dashboards if nobody is driving the car.

>> Exactly, you have become the pilot there for mental health, we are looking forward to having that really developed for all of the other indicators and areas that we're measuring, thank you.

>> Mayor Leffingwell: Thank you very much.

>> Thank you. Council, I have a request from -- from Mayor Pro Tem and we also have a number of speakers signed up, to go back to item 30, so that we can address that before our noon break, if there's no objection, we'll go ahead and take up item no. 30. And I will recognize our puller for today, Councilmember Cole.

>> Cole: I just had a simple question of government relations -- John

[Indiscernible], is he here? Well, let me just say because I don't see John, I am definitely supporting the resolution, I know all of the council feels strongly opposed to what Arizona did, but I also recognize that we have very complex immigration issues right here in Texas. I would just like to ask that our government teamwork with TML and the National League of Cities as they develop a policy to implement

and deal with deal with texas immigration issues. Thank you, mayor.

>> Mayor Leffingwell: Thank you, if there are no more preliminary comments, we will go to our speakers. The first speaker is tim lucas. Who is signed up against. Tim lucas in the chamber? Deborah meyers johnson, signed up against. Not in the chamber? Signed for is sabino rentrea? Is he in the chamber? Evidently not. Caroline keeting. Welcome, you have three minutes.

>> Hi, good morning. I'm here on behalf of the austin immigrant rights coalition and we have some of our members here. Many of whom are -- are hard working people, with families that live here in the city. We, of course, are against this new law in arizona, we believe that it's an assault on the civil liberties, particularly of latino residents in the state of arizona. And we will do everything to ensure that this -- a similar law does not pass here in the states. We are -- we are happy that the city council has -- has proposed this resolution. To divest from the state of arizona, as several other cities have done such as boston, los angeles and san francisco. So we really hope and encourage you to supported this resolution. I know that many of the members of the organization would like to speak to, but because of language they have asked me to speak in english to represent them. So thank you so much for -- for creating this resolution. And we hope that you approve it.

>> Thank you. Next speaker is ignacio avilez. Signed up in favor. You have three minutes.

>> Good morning, I'm ignacio. The only one that I want to say is that I'm afraid that the city law is spreading to the rest of the nation because my own experience when I went to my daughter's graduation from the army, I was very proud that my daughter graduate from the army. And I know this that moment that I belong to this country and after that, when I was traveling to austin, i want to stop -- only because I'm -- I was stopped by the sheriff only because I'm latino. I didn't make any wrong. It took 30 minutes only to check my driver's license, time enough that the border patrol care came and asked me my status. I don't want that the city happen in my -- in my own state. In my own city. I don't want that tomorrow i can take my passport, my citizenship, certificate to prove that I am u.s. Citizen. Thank you.

>> Mayor Leffingwell: Thank you. We have a number of speakers who are signed up for, and not wishing to speak. And your names will be entered into the record. Is there anyone else who is signed up to speak whose name I have not called or who I called previously and you were not in the chamber? Now would be the time to come forward. Are you signed up, sir? You will have to come up to the mic, because I can't hear you. Well, we are not to that part yet. All right. So those are all of the speaker that's we have. And I will recognize the mayor pro tem.

>> Martinez: Thank you, mayor, I wanted to thank councilmember spelman and you, mayor, for co-sponsoring this item. I won't make a lot of comments. Quite frankly because it doesn't seem like folks want to discuss this in a civil manner. The phone call that's we have been receiving and the radio talk shows. But I do want to make a clarifying point. It has been misrepresented numerous media outlets. That is that -- that resolution simply asks the city manager to bring information back to us. On whether or not we have investments with the state of arizona. Not in the state of arizona. I think there's -- that's a

major difference. We are taking action today to show the state of arizona, that we disagree quite frankly with their recently enacted law. This doesn't -- this resolution doesn't contemplate as cutting any business ties with individual businesses, we realize that there are -- that there are folks in arizona that don't agree with this law and that have nothing to do with it, and individual businesses that have nothing to do with its passage. So this resolution is asking for information to be brought back to council as to our direct ties to the state of arizona and how we might curtail those ties and what the impact would be. If we were to make that decision. I think in large part for me this is about sendi a strong message. We reserve the right to do business or not do business with anyone based on their practices. And that's what we are doing, in my opinion, today. We are reserving that right and choosing to move forward with potentially not doing business with the state of arizona. And mayor with that I will move approval of the item.

>> Mayor Leffingwell: Motion by the mayor pro tem to approve this item. Is there a second? Councilmember spelman. And did you wish to speak, councilmember?

>> Very briefly.

[One moment please for change in captioners]

>> Spelman: What this resolution will do is what has been happening in the future, unless there's picking up a state prisoner or something else, which can't be done any other way. We're not talking about a dramatic shift in the policy.

(Indiscernible). Thank you, mayor.

>> Leffingwell: Further discussion? Motion and a second to approve item number 30. All in favor aaye? Any opposed? It passes on a vote of seven to zero. So with that, council, we will take up our morning briefing on the outreach marketing plan of the water utility. And immediately after that, if we have time prior to citizens communication, we'll take up item 21 and 35, which are related.

>> Good morning, mayor and council. Rudy garza, assistant city manager. This is a follow-up. If you recall in the fall staff came before you seeking approval for additional funding for some marketing positions and outreach positions. And very wisely then unanimously the council asked us to take a step back and look very carefully at everything that we're doing. That was with unanimous support for conservation. So today we're going to give you a presentation of the first step in that. Clearly we see this as an urgent matter. The time to begin conserving water was a long time ago. We've done a good job then. The time to do it better is now. What you're going to find is the first step in developing a very strategy and very comprehensive marketing and outreach plan for conservation. We did contract with enviro media. They've been in this business for a very long time. They're nationally recognized and outside of the water campaign they've got one of the most popular campaigns in the entire country, the don't mess with texas campaign. We see water conservation just as important as the don't mess with texas campaign. I will turn you over for the next presentation and at the end of the presentation we will

take you to our next step.

>> Good morning, mayor, mayor pro tem, council. Thank you for the opportunity to be here. Enviro media has been in eart of water conservation for many years across the state of texas and there are some mayors that prefer when there's big problems with drought to go for prayers and press conferences and there are others that do rain barrels and rebates. So what we want to talk about is what really works and what does the public, what do they support when it comes to water conservation here, moving forward and the city of austin. We were hired three months ago to conduct research and develop a preliminary conservation marketing plan which builds upon the recommendations from the water conservation taskforce. Today I will be sharing the top line results of two research efforts and make recommendations for next steps. We conducted five different studies and -- I'm not going to bore you with the two hours of presenting the full details here, just give you the top line of the in-depth research we did with stakeholders across the community as well as quantitative research, but it's important to know that all of these research elements are really for directional purposes to help you all make the decisions going forward. If you would like to talk afterwards, I'd be happy to arrange a briefing about the specifics of the research we're going to be discussing. So let's go to the bottom line first. The executive summary of what we developed. Is that austinites are ready and willing to become even more efficient with water use, but are looking for leadership and solutions. The door is open for austin water to step up and lead wait with enhanced education and community engagement. These are the key findings that we found from our research. One out of five austinites are unaware of austin water utility even if they are paying their water and electric bill to the city of austin. Now, compare that fact -- 19 percent had never heard of austin water utility. Compare that to only two percent that never heard of austin energy and only six percent that never heard of lower colorado river authority. Number two, among those who know austin water, perceptions about its core service and conservation programs are positive. So they are not typically associated with austin water. For example, we asked how would you rate the job of austin water in managing the city's water? And 61% said excellent or good. However, although 92% had seen, read or heard about a conservation program, only 45% could associate these programs with austin water. Number three, there's extremely low public knowledge of the natural source of our drinking water. Our own research with the texas water development board revealed that when people know the natural source of their drinking water, they are twice as likely to conserve it. We have seen this work with other clients in north texas and we moved the needle about understanding lake lavon from small digits to higher digits. That correlates with several hundred million gallons per day reduction during peak day use. So the research here unfortunately shows that most people think that the edward's aquifer is where austin water utility customers are getting their water. The good news is this is a solvable problem for education. Number 4, we heard this -- number 4, there's strong need for public support for a strategic year-round water conservation education, not just during the drought periods. We heard this from both the general public and through the phone and online survey and the key stakeholders we interviewed. Now, you should really know that research is really strong in public support for the outdoor watering restrictions that you all have put in place over the last two years. The water conservation taskforce in 2007 and mayor leffingwell's effort there and it really received very strong support. Some people really appreciated the enforcement effort of last year's driewt and some would like to see even more enforcement and more restrictions. This was a great strategic move by the utility and the

recommendations by the taskforce and the council and obviously achieving significant savings from outdoor irrigation. Don't waste this momentum and public goodwill. We believe now is the time to draft off this success. Number five, austin water must work with community leaders and conservation advocates to foster a culture of conservation. A real conservation ethic. We all know and love and appreciate the issue of water quality, but it's time that we put as much emphasis around water quantity. These are some of the five different types of research we conducted looking at communication materials, the utilities and putting out surveying the media coverage from the last year and comparing that to other utilities like san antonio and saws, doing in-depth interviews, 15 minute interviews with water staff, teachers, other conservation programs, recycling, austin energy, saws, looking at other cities like denver, portland, california. And then conducting in-depth interviews with stakeholders that were parallel to those -- a few that were on the taskforce, but many others that are not necessarily engaged in the water issue, but they could be. So we've talked to business leaders, we've talked to industry, we've talked to environmental groups, we've talked to neighborhoods and we've talked to elected officials as well. And finally a quantitative survey of telephone and online polls of 618 austin residents. So there are a couple of takeaways from the telephone and online poll of customers. 61% Think austin water should do more to promote water conservation. Some of those people, in fact a great number, when pressed to say well, what would you do? Unfortunately again there's an education gap. They don't really know or when pressed they say okay, then they're doing enough. Well, if you believe that, we really have a problem. So of those who came up with solutions, the number one suggestion was broader public education campaign about water efficiency. Number two was toilet retro fits rebates for free toilets. And number three was additional watering restrictions. Now, among stakeholders it was a little bit different. People that are leaders here in austin, they said that they felt like austin water did not seem to have one clear message or vision or a consistent presence when it comes to conservation. I know you all will be discussing later the idea of adjusting the target. And I think that that's really what the stakeholders were getting at, but then it comes to how do we communicate that as well. So higher visible reductions goals was number one. Number two, also education, but to focus on business outreach and community outreach. And number three was the big push to really look at where do we get the biggest water savings, the best return investment from our water conservation program. Again, broad support if people know austin water, if they know of the individual programs, they would love even more, but a lot of people are only familiar with maybe one or two different programs that are there.

>> Here are a couple of quotes from stakeholders that I felt that you should here. One said do I believe that austin water is a nationally recognized leader in conservation? I would believe it, but I wouldn't have thought it.

(Reading powerpoint).

>> So these are the overall recommendations. First we believe that austin water should create a bold, aggressive vision statement. If you move to the 140 gallons per capita per day, you've got to make that so the average person on the street can understand what that vision is and do that in english and spanish and make sure that we're creating a comprehensive approach. That comprehensive approach will have a number of tactics that we'll talk about in a second. But we also feel like it's important to

communicate by one brand and to make sure that's everywhere anyone who comes across, interacts with the utility, whether it's media or on the invoice or at their facilities or on the fleet vehicles. We believe a consistent comprehensive water education campaign can help move those numbers of awareness about water source, about watering restrictions and year-round presence and help to create behavior change. Enhancing community engagement is also a recommendation we think that the utility can do a stronger job of working with business leaders, community leaders and really just engaging in a dialogue so that there are others here who are ready to support the utility as they continue to move forward with their water planning. And finally just very important, to determine ways to measure and report conservation successes and again looking at return on investment. Finally, this is how it would look, a comprehensive program would include comprehensive education campaign, including working with schools, community relations, media relations, public service advertising in english and spanish, social media, employee ambassadors, updating the complex website, materials, community engagement. We will develop a stakeholder matrix and work to help the utility train staff to know -- to divide up some of the different stakeholders and create a relationship manager with the stakeholders in austin. Internal communication and then how do we market each of the individual programs under one umbrella that goes back to that vision statement. So if it is 140 gcpd, the next step is we need that one slogan, tag line, that goes across all of these programs. So with that I'll pause.

>> Morning. Greg lazurus, austin water. Just to wrap up the conversation today, i think you heard the good news is it's a pretty solid foundation to build on, the utility programs, most important the conservation programs are supported. A lot of gaps. I think some fundamental things, people not knowing where their water comes from, natural source of water, not identifying austin water as a provider. Obviously if you want more information on education and outreach and conservation programs, but you don't know austin water is your provider, you may not know where to go. We want to take this first phase of work and build on it, develop again a better integrated message for our conservation programs, building better integration of the program areas like our website, a common look and reel to conservation, developing approaches to individual target audiences. What may work well in west austin may not be the right techniques for reaching folks over in east austin. We want to improve our website. We want to take advantage of new methods of communication, more social media ways that younger people today interact a lot more. Clearly our utility is not an expert in those kinds of things, so we need some professional strategies and guidance there. So that's really the intention of item 21 on your agenda today to help us take this work and the analysis that we've received and start to close those gaps and ultimately achieve some of the conservation vision for the future. And we'd be happy to answer any questions on the presentation or other items.

>> Leffingwell: Councilmember shade: Councilmember morrison. Councilmember morrison.

>> Morrison: Thank you. I had asked to pull 21 because this is all merged together, so i appreciate you bringing that up. I know this is very critical effort that we've been focusing on in the community as well as council in order to become a sustainable community that we want. And I appreciate envieio media's work and it's great that we have them. The reason I wanted to pull 21 is I'm feeling a little confused about where we've been, where we are and where we're going. With the different contracts, merges

with the taskforce, recommendations -- because they have extensive recommendations about public outreach and interaction. And then also exactly how this plays in our other efforts with the water iq program. So I wonder if maybe you could start by helping me understand first the scope of work and what enviro media has just finish and what the scope is going to be then in what's proposed in item 21?

>> The first stage of what enviro media worked on was kind of assessing awareness of conservation programs in the community, the quantitative work that they described, are people aware of austin water, are they aware of the programs we offer, what's the support of conservations? Because there are a lot of assumptions and we want to firm that up with more scientific data in addition to the qualitative side. I think there was a lot of effort put in not only interviewing our customers, but other key stakeholders, boards and commission members, other leaders in the community, with their perceptions on conservation and austin water so we could better identify these gaps, understand what's the right strategy to move forward. Clearly even from the citizen taskforce side, I think one of their number one recommendations is a critical success factor is education, outreach and marketing. That has to be a persistent strategy that percent veers year after year other -- perseveres year after year that it isn't just austin water changing, it's changing hundreds of thousands of people in community in terms of their conservation efforts. So we're going to take that work, the work of the taskforce. We'll be using the professional marketing experience of enviro media to help us over the next fiscal year, at least this current contract, to help us create that message, to create kind of a conservation brand and logos and other things that people will remember, it will stick with them. Again, to tailor that down into the individual conservation material that we have. If you pick up individual conservation packages that we have from maybe rainwater rebates, toilet rebate strategies, other information we have, it has all a different look and feel. It doesn't always seem to be integrated and under one umbrella. They'll help us craft a plan to make that easier to understand, easier to get at through our websites and our forums. It will help us utilize new communication tools, again like I mentioned, kind of the social marketing ways of outreach. So we'll be using them for that marketing outreach, education element. Amongst my staff, we have a lot of staff that currently do these activities and they'll continue to be an important part of this. It will be a real team partnership with enviro media. In terms of water iq, the water utility continues to be part of the program. It's part of a contribution of several key regional partners, austin water, lcra, cedar park, to again harmonize conservation messages on a more regional basis. As an example, we want to continue to all have the same watering days so people aren't getting different messages about which ways to daughter. -- Which days to water. And other ways that we can coordinate that regional side. With that regional message it's important that I think austin water and the city of austin is a leader in conservation. And we need to be out there leading. I've talked to colleagues from other surrounding cities and they said our conservation programs, they draft off of that. They use our leadership to push their conservation programs harder. Several didn't think enforcement actions would ever be supported in a community and they saw us exercising enforcement last summer and writing tickets, and I think that gave them courage to think about it in the future I do believe it's very important for austin water to step out and be a leader on its own and crafting its identity and its messages and own culture of conservation in addition to complementing the contribution that it will make to water iq.

>> Morrison: So this item 21 then will be to actually develop the materials and the explicit messaging

and have that all in place and then we will -- does it have any actual marketing funds in it or will that be a separate item? This just gets the plan ready to roll? Roll, to to speak?

>> What do you mean -- if you could explain more what you mean by marketing fund or markets?

>> Like buying radio time, producing thousands of brochures to distribute?

>> Leffingwell: Councilmember, we're not on 21 yet.

>> Morrison: I understand that. I have questions about how this all merges together.

>> Is it okay for me to answer?

>> Leffingwell: Yes.

>> This is not -- the 175,000-dollar contract is just a small piece of our conservation budget that we use for outreach. We'll still budget money for buying media, radio ads, tv ads, thing like that. So that's not a part of that where it going to cover all of that. That will still be a part of our separate budget. They may give us advice on some of that. They may help us reshape some of our material in terms of look and feel. Like a little cleaner slogans and logo. Maybe again things to emphasize the 140 gpcd. But there will be literally hundreds of thousands of additional marketing and media outreach that we do that we'll continue to do, but I think the guidance that they give us will help us better target and shape those other dollars that we're using.

>> Morrison: And i know you've been working the the water and wastewater commission. The resource management commission, one of their requirements in the code is that they advise the city council in developing and reviewing city plans and programs that encourage water conservation. So have you been so far working with the resource management commission on this?

>> We actually have three commissions or taskforces we work with on conservation, water, wastewater, the citizens taskforce for implementing and resource management commission. And yes, we will continue to work with them and update them. As a matter of fact, last night we spent a good hour with our water and wastewater commission updating them on new strategies we had for better integrating and polishing up our rebate strategy. And so -- as a matter of fact, I think we're scheduled for rmc for that. Absolutely that will be an important part of our process. As a matter of fact, i would fully believe and understand that stakeholders that were interviewed and our stakeholder communication plan that we would help develop through enviro media will include those three groups. They helped us shape the programs already. I think we're a part of this initial quantity at quantitative work and survey work that we did, so absolutely.

>> Morrison: So the survey work did go to the resource management commission?

>> The actual briefing you heard today we briefed you first. We haven't taken this briefing around yet to the other commissions, but that's certainly something that we can and will do.

>> Morrison: Just for my own information, as the work with enviro media, as it was being developed, did you work with the resource management commission on it?

>> I believe they participated in the stakeholder interviews. Some folks from their commission. But we didn't take the agreement to them if that's what you're asking.

>> Councilmember, the work that we did was at the direction of council. We already had our direction from council on what we needed to do. So the work that we're presenting today is the result of your directive. This was a self-initiated project that we wanted to bring before the council. It would have had a different approach, but in this case we had quom to the council and the council told us specifically what we needed to do, so that's what we're presenting to you today.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: I want to say thank you for the presentation materials from enviro media and just a point of clarification as i mentioned to councilmember morrison when I saw this item on the agenda, I actually asked for a little bit of advanced information that included chris her herbert, who is the chair of the resource management commission, so she did get a chance to see this in advance of the meeting, along with some of the members of the wak taskforce and on he -- water conservation taskforce and some other folks that we work with in community and who care a lot about conservation. I think generally that i wanted to say that last fall I was frustrated to think that we have as much money as we do to spend on these efforts and as many citizens engage and interested in doing the right things for the right reasons, thu they do need stronger leadership and a more strategic approach, so I applaud the bringing in of experts. I'm always encouraged when we don't have the internal expertise. And I think there are several pockets of strength within the water utility. I see darrell slusher here and I see kevin here as well. Kevin buchman hasn't gotten a whole lot of credit for success of the public outreach for the success that we had with the watering restrictions, and he had to kind of do that out of a pio out of office, without a whole lot of marketing support. And I think that the idea of connecting these dots, especially with the work of the taskforce now in front of us, I think it's excellent. So I applaud you for doing t I know it's a little bit different from the internal culture of the utility. I've been in organizations often times wearing a marketing hat when I'm in an organization that's ruled by engineers, so I can feel the pain of some of the people who work in those kinds of environments. So again, I thank you for that. I am curious about -- this may be a question for kevin about the survey that I'd like to ask. What were -- I mentioned did you ask any questions related to the water treatment plant? Clear by if you're doing an audit on the newspaper, it seems like that's been more of our coverage, water triement 4. I don't know if you've had any questions on that. And I was curious about the geographic disbursement of the people you surveyed. And as I'm asking that question I see you have additional information that you provided,

which I apologize for not looking at.

>> If I could get the powerpoint back there, I'll advance to that. We did ask the question, we believe that -- here it is. In the telephone survey -- I believe there's someone here from (indiscernible) and associates who conducted the poj polling. We can bring them up. These are the areas from across austin where we did -- 317 phone surveys and 301 internet surveys, random digit dialing, plus or minus 4.1%. And again, I would be happy to have our researchers answer any questions. We did ask a question. One of the things, even as it relates to planning for water conservation was look at the newspapers and the attention that has taken place about water treatment plant 4 and we need to know was there -- was that impacting the awe then advertise active -- authenticity that was austin water truly doing conservation programs or were they green washing. So we asked the question owe on we asked two questions. Have you heard -- let me find the exact language. Have you seen, read or heard anything about plans for a new water treatment plant in austin? 54% Said yes. You would think that there was so much everywhere in the last six months that it would have been much higher than that, but 43% said no. But then we asked all respondents, do you think the city of austin needs a new water treatment plant? 25% Said yes strongly. 23% Said yes somewhat. For a total of 48%. No somewhat is seven percent and no -- a strong no was five percent. So a total of 12 percent said no, austin does not need a new water treatment plant. Now, the big area of opportunity we would say would be that 33% are unsure or don't know. So educating those people about the reasons why is another -- some of the misinformation about the amount of water being used, that came up a couple of times.

>> Shade: Okay. Now that I've seen these additional slides, which I had thought -- again, in the advance I saw some of this, but i didn't see it here. But this other slide here really shows about the -- what the natural source of drinking water is, and it looks to me from this that less than 15% know that it comes from the colorado river or would have used lakes, rivers and streams as the answer. So that definitely shows that there's a definite lack of understanding about the natural source and the connection that it might have to why we need to be conserving with or without an additional water treatment plant.

>> And both online and by telephone what is the source of your natural drinking water? When you turn on the taps where does that come from? Many people say the city, which is an incorrect answer. It should have been the colorado river. But it just shows how much -- how important it is that we need to move that number so that people understand that. Because again our research shows that those that do, and even with all the news about the low lake levels, there's a significant number of people who still believe that the edward's aquifer.

>> Shade: One other question that I had related to number 21 and I apologize if I'm getting off track here. One of the things that -- one of the things you talked about was the stakeholder matrix being part of what you would be developing here. I just wanted to point out that -- an observation that in trying to pull together a few stakeholders and having some of the taskforce there as well as the mnc and some other advocates, we were having this conversation that they had not actually ever met kevin from the water utility. Is that what that's about, making sure that there's more of an understanding of the utility

and who does what with respect to marketing and outreach? Is that when it concept of a stakeholder outreach will include? And one of the things i know that I talked to greg lazarus about, again this idea that everybody in town seems to know who roger duncan is and not nesarily who greg lazarus is, and that's important. Is that what this is about?

>> It is. We used this same formula for many of our corporate clients as well as government clients is that it's important for many within the utility staff to understand if there's a certain position or concern from downtown austin neighborhood association or an industry or the media, and by developing it really is -- it will end up being a spreadsheet, but one that is not just put on paper and put away. It's kept on a server and people as they see actions or concerns or things that are related to this group, they will update that so that everybody has access to see there will be one relationship manager hopefully that -- obviously darrell slusher can't meet with all the groups across town, so if they divide them up in a formatted way, everybody knows they can get access to see what are people's concerns, who are the contact people that we need to invite to come in and have meetings. And hopefully even make a lot of the public outreach, the public meetings about future water development will make these even more effective and bring more people in here to become advocates for conservation and the utility overall.

>> Mayor Leffingwell: Thank you. And I will say that i know the city has been involved with enviro media for a long time in conjunction, as she said, from the lcra and other things with the utility. So it's not liken vie row media is new to this game. They've worked in north texas and the dallas area, I know. And then I want to say that going back to our 2007 water conservation, that effort was prima focused on mandatory restrictions, restrictions that we could quantify because we were focused on seeing what we could do to influence the demand curve with regard to water treatment. And we -- we were able to delay one plant almost indefinitely and another plant for many years with the hard data that we had based on mandatory restrictions. The other kinds of effort that we talked about would -- didn't do much about. That's what we're focused on now, is voluntary compliance and education. So I frankly believe that that's where we go from now. From this point we will be relying on education and voluntary, life-style changes, if you will, and water conservation and not on mandatory life-style changes, which we didn't talk about life-style changes, mandatory life-style changes in 2007, we talked about mandatory efforts that increase water efficiency and eliminated waste. We also talked about waste and leakage and reclaimed water. We have all those components in place right now. When we talked about education, we specifically talked about how water utility would go outside, get a professional firm to do this. So I'm very glad to see that we do have an outside consultant, one with experience across the state of texas, long-term experience in the state of texas to do that public outreach. And I appreciate it. I think (indiscernible) was significant, especially with regard to the work with the water treatment plant, which I support. And somewhat startling endeavor that most people don't know where the water comes from. So we do have a challenge ahead. So with that thank you very much. And we can move on to related item number 21, which was pulled by councilmember morrison.

>> Morrison: Thank you, mayor. I guess I'd like to ask if we had any speakers on that item.

>> We do.

>> Morrison: I'd love to hear from the speakers if that's okay.

>> Mayor Leffingwell: First speaker is Roy Whaley. Roy is signed up neutral. And welcome. You have three minutes.

>> Howdy, y'all. My name is Roy Whaley, vice-chair of the Austin Sierra Club. And I signed up neutral because I wanted to hear the presentation first. Since there was for me at least very little information on the item. I would like to first say Austin Sierra Club is always ready to help in any way with public outreach and education. When I hear that neighborhood or area water conservation groups have been contacted on this, I asked Jennifer Walker with the Lone Star chapter and she was asked about it briefly because she was on that taskforce. We represent 6,000 plus members of an environmental organization here in the Austin area and the Austin Sierra Club didn't hear anything about it. I would love to know who the other organizations were that were contacted. In regards to the Sierra Club or a conservation group, I'm a conservation minded person and I'm a fiscal conservative, so I'm always wanting to make sure whatever meant gets spent is used well -- whatever money gets spent is used well. Some of these numbers were very surprising. I was told I would be surprised by some of the numbers. And I think we've been working on education for a long time. I hadn't planned on speaking about

(indiscernible) at all this morning, which is rare, but I think that -- [ laughter ] as people are polled and they say my water comes out of my tap and they don't even get where the water is coming from, if there was an education program put out there to combine this with WTP 4 and the need for WTP 4, I think you would find that the people that are supporting the plant, if they knew more about their water and the water source, they would be less inclined to support WTP 4. And so I would love to see that happen, although I know it won't. Oh, I don't say that. I don't like being negative. I would like you to do that. Mainly I would like to say that all the water organizations, conservation organizations in Austin are part of the process. That's all we've ever asked for and we continue to ask for that. And that's just money spent wisely. As a realtor, I have a certain marketing budget. I try to spend that money wisely and I would like to see that happen with the City of Austin, a good ROI. I pronounce that as Roy. My Roy is return on yapping, so I hope that my yapping up here before you produces some results. Thank you for your time.

>> Mayor Leffingwell: Thank you. Next speaker is Bill Bunch, also signed up neutral.

>> Thank you, Mayor, members of Council. Bill Bunch with Save Our Springs Alliance. I was coming down here hoping for lots of warm fuzzies and excitement about the 140 GPCD and I'm still looking forward to that. But then I saw this item, which I didn't know about. Learning a bunch of new stuff here. I've been very pleased overall that -- it seems like this Council since the 2007 moving forward that y'all have a great deal of interest in conservation. I still don't see that with the Department. And I think it's reflected in how this got here, without going to RNC, without any community knowledge. I didn't know this research was going on. I'm glad it happened, but I didn't even know it was going on. I didn't know about this

additional contract coming forward for another big batch of money. And then the presentation itself raises serious questions. Those slides are titled austin water utility marketing plan. And talking about we need one brand. That scares me. That's not selling less water. That's what we're supposed to be here trying to do. Conserving water means selling less water. And the water utility is scared to death of that. When it came out that they were \$13 million below the first quarter of fy 2010 water sales -- and now as i understand it 10 million below projections on second quarter water sales -- that was taken as tremendously horrible news. Something that we've got to avoid and fix. So where is this really going? I mean, branding, it reminds me of beyond

(indiscernible). That gave me all kinds of warm fuzzies for a couple of years. That's branding. I felt really good about bp. I didn't know anything about them. I didn't personally move beyond petroleum. It didn't change my behavior one lick. We shouldn't spend a dime on brands. We should spend it on creating a conservation culture and we have a very diverse culture and that requires a diversity of mess messages and engagement. Enviro media does great work. I don't think there's much question about that. The water iq program has failed. That's what their research shows you because a big part of that was keeping people where the water -- teaching people where the water comes from and they don't know where it's coming from after three or four years of that effort, and we put a lot of money in that effort. The one time most recently that I went to the water iq page, I put in my zip code, 78704. What pops up?  
--

>> Mayor Leffingwell: Your time has expired, mr. bunch.

>> Can I finish the sentence?

>> Mayor Leffingwell: Finish the sentence.

>> Thank you. The first message that pops up told me to water twice a week. Most people don't water twice a week.

>> Mayor Leffingwell: Your time sup.

>> Watering twice a week is to use more water and wasteful of water. We have to be -- mar mayor your time has expired.

>> Please send it back to rmc before voting for it. Thank you.

>> Mayor Leffingwell: Those are all the folks that we have signed up to speak. So the floor is open for suggestion or a motion. Councilmember shade. Shade shea I just want to say that I agree with several of the comments that bill made in terms of the way that things happen sometimes at the utility and that is something that I am dedicated to trying to help change. I think the staff there knows it. I didn't especially like either of the sequencing of events. That is why I made sure that I got advance the information as soon as I saw it on the agenda. I am going to support this item, however, because i think

it's clear that the utility needs some help and they need some outside expertise and I believe that that's what we asked them to do last fall and that's what they're trying to do. I think that there are pockets of staff inside of the utility that are -- that need the extra help and encouragement and support so that they can more strategically utilize the resources that they have. And again, I believe that this -- these are some of the right steps and that's why I'm willing to support this item. But again, this isn't the answer to everything. The water IQ questions that you raise, I think it's interesting when you compare how successful in other areas versus here is a good example of how our utility does some things right, but clearly when it comes to communicating with stakeholders, there's a lot to be done. And I again, as I said at the beginning, applauded the first step, but it's a first step and I'm going to be watching closely. I feel really strongly that outreach and education dollars have to be spent wisely. I also echo the comments that Roy made about that. I will be supporting the item and I do look forward to it hopefully being a better approach.

>> Mayor Leffingwell: Is that a motion for approval? Shade I'll move to approve.

>> Mayor Leffingwell: Motion by councilmember shade. I will second. Councilmember Morrison.

>> Morrison: Thank you. I'm going to support this also. I appreciate all the work. I do have the concern, though -- I want to make it clear that with our approval of this contract, that doesn't mean that it doesn't need to go to the RMC. And I think what's important here is that we need a better connection to the community and awareness and so I would like to ask staff to go to the RMC at their next meeting and ask for how often they would like to see an update on this effort. I think that staying in touch with the RMC is critical. You know, they have not only community connections, but also quite a bit of expertise. And our code demands that they provide advice to us. They're more than just another stakeholder. So I support that, but also with the reminder and the request that you ask RMC how often they think they should get updates and provided on the timeline that they have.

>> Mayor Leffingwell: Motion on the table to approve this item. Seconded by myself. Additional direction by councilmember Morrison. And I support that additional direction to take it back to the RMC. I've discussed this with the chair, all aspects of this and also the next motion that we're going to consider that the RMC be included routinely in briefings, proofing of all additional steps taken. Councilmember shade, do you approve that?

>> Shade: I do. And I just wanted to make one other point to those comments that I had forgotten if that's okay. The word branding gets overused a lot and I agree that the title marketing plan was probably not the best choice for that header on that slide, but the discussion from what we're going to talk about, the warm fuzzies that are on the 140 target in this next resolution and the concept of the one message if you look at that slide is about how to make that meaningful to the community. It is all about conserve conservation. That's the only thing at this point that enviro media and their efforts are worth talking about. Not branding to prevent some future sale of water. I don't think that that was the point. I wanted to add that.

>> Mayor Leffingwell: Thank you, councilmember. I agree. I'm not sure I know what branding means either, but I do know that [ inaudible ]. Is there any further discussion? All in favor say aye? It passes on a vote of seven to zero. We have one more related item, but it is time for our citizens communication. So we'll take up item 35 after citizens communication and after our executive session. So now we will go to the citizens communication. Beginning with Linda Green. Linda Green, and the topic is Austin scene is not so green, flower ride and dillo dirt. Fluoride and dillo dirt.

>> Morning city council, thank you for taking our citizen communication today. I've been speaking to city council since February of 2009, and way before that, since October 2008. And today I want to give you a little folder that has some new information in it. We feel like we've been doing homework for city council when it comes to the issue of fluoride, and yesterday no action is taken. -- And yet no action is taken to remove this toxic poison from our water. So today I'm going to give you a folder that has two pages of why we need to get rid of this fluoride. I won't go into it, but it has some YouTube clips and some information that I'm hoping you'll research further. We do spend about a million dollars a year, it looks like. I have a financial administrative services department purchasing office document from March 2009 that says \$1,456,400 contract amount for April 1st through March -- APRIL 1st, 2009 THROUGH MARCH 11th. But point is that even though the amount of money we spend on fluoride may be a very small amount, it does have a huge impact on our health. And all it takes is four city councilmembers to get this product out. It's the waste product from the phosphate fertilizer industry. We don't need it. There's no dietary requirement for it.

[ Applause ] and it is a drug that is being forced on us. We don't get to choose whether to put what appears to be 1,250 tons a year into our water. 1,250 tons a year, which eventually makes its way probably down into the Gulf and the seafood added with the oil spill that we're dealing with now because too many of our representatives represent lobbyists for the big oil industry, lobbyists for the big agri industry, lobbyists for Wall Street. And you're not representing the citizens that we should be represented by. And the second issue in this folder is the toxic sludge that we also produced here in Austin. San Francisco is fighting it. There's a few articles from the Huffington Post. I was bemoaning the fact that --

[ buzzer sounds ] -- that we've been ignored. She said send all the information to her and their readership is second under the New York City. Thank you.

>> Next speaker is John Goldstone speaking on the area and 12th street.

>> Mayor and councilmembers, my name is John Goldstone and I'm here to talk about the solution to your East 12th street problem. I'm not here to talk about area booting off its board two neighborhoods that front on East 12th street. Attached to the nonsense is a letter from the area and what caused the booting. What a load of incompetent crap. You and your last fall's 110,000-dollar no strings attached funding are an additional part of this big pile of crap. I am here to tell you about the easy solution to expand the development of both retail and residential uses on East 12th street. First on East 12th street there are two extra levels of roadblock compared to any other development in this city. Under the urban renewal plan, area voting and urban renewal voting are the two additional levels that do not need to exist

as to dealing with any land use modifications are variances. I'm not calling for termination of any relationship or guarantees that the city may have executed for any development projects for the ara, but i am talking about the termination of any relationships that requires the city to use the services of the ara and the urban renewal agency as to east 12th street. It's embarrassing to be paying city taxes and have my city officials feel that it will stimulate growth. There's already nccd which is almost the same land use document as the urban renewal plan. I recommend that you attach the land use provisions and substantial restrictions of the urban renewal plan to the nccd and abolish the urban renewal plan as to east 12th street which will eliminate that horrific eminent domain power and unnecessary impediments to development. It is solution absolutely keeping lenders and developers from even looking at east 12th street. I'm happy to do the drafting if you will provide me with two documents in word. And I'm not getting. Second, you must fund and install infrastructure improvements under the urban renewal plan. Without infrastructure developers go to east fifth, sixth, seventh or wherever it's simple, if you care. Third and finally, do not allow any more land transfers to the ara, whether from neighborhood housing, the urban renewal agency or any other under the watchful eyes of the city of austin. The ara is incompetent. Your play indication of the minority community by this tiny contribution in the form of cash and gigantic contribution in the form of loan guarantees and preferred developer status has failed. Do not make it worse. However, ara is clearly intertwined with the city on its existing projects and commitments, excluding the tri party agreement, which must not be renewed. So I'm not calling for the abolition of ara, just get them and their incompetence out of the way. Developers read the statesman and the chronicle. Why would he go through working with a are. Ara. Do what needs to be done. I repeat, please do not make it worse.

[ Buzzer sounds ] of course, if you don't care, keep doing what you're doing. Me? I'll be moving closer to whole foods. Thank you and I'll answer any questions.

>> Mayor Leffingwell: Thank you. Next speaker is tim lucas. And the topic is illegal immigration and limiting ties to arizona.

>> Well, I unfortunately was outside in the hallway when you went for the vote. You jumped from 30 -- i support the bill. Senator pierce of arizona says being illegal is not a race, it's a crime and enough is enough and i agree. Having been in arizona for over 12 years and knowing the problems and challenges they face, I decided to let you speak up and say I know what's going on there. There are murders of police and citizens. There are kidnappings and rapes that are plaguing arizona city. There are currently 95 illegal alien murderers in maricopa county jail. Some day it can be one of your family members, a friend or god forbid yourself. Illegal aliens are using stolen identities and social security cards. The federal government has been less than effective in remedying this issue. Arizona's new law applies to everyone and protects citizens right. It does not extend police powers. It allows lawrmt to do their job. They have no more authority to stop somebody today than they did yesterday. They can now act on that information on illegal status if it is believed they are in violation of federal and now state law. You notice I said federal and now state law. I agree with the statement that the only reason our immigration laws are not enforced are political. Not a lack of authority. Arizona has taken a stand and hopefully the rest of america will as well. Are you going to make this political or are you going to agree

we need to stop this nonsense? The law simply codifies federal law into state law and removes the abuses and concerns about inherent authority to enforce the laws and the policies. The federal government is doing nothing, but arizona will. The law mirrors the federal law so they can avoid any conflict. There's enoous fiscal and social costs th immigration poses. Fox news national poll said that 60% of the voters agree with arizona's stance. Ladies and gentlemen, if you ban travel to arizona you might as well ban travel to all the federal functions since you are saying you do not agree with the federal law since arizona law mirrors federal law. I guess you cou ban federal dollars and assistance too? Smugglers are attacking the fifth biggest city by putting in normal neighborhoods drop houses where immigrants are hidden and held for smuggler's fears and ransom. There are more than 20 million illegal aliens in the united states today. These are stagterring numbers. Oklahoma is working wonders in doing illegal aliens. Are you going to ban travel to okay as well? How about 13 other states that may pass similar laws? Perhaps you will travel to arizona and meet with the leaders there to see what's going on. Remember, the bill does not allow racial profiling and it has specific language to prevent that. Don't jump on the media band bandwagon and berate arizona before you've walked in their shoes. What else is coming into our country? And most importantly, who else? Are these people who want to do harm to us, our beloved country and our citizens? If the federal government did their job, then arizona wouldn't have to take this action. How about cracking down on employers that employ illegals? Have you read the law? It's plain and simple. Give arizona a break. Enough is enough.

[ Applause ]

>> Mayor Leffingwell: Thank you. elliot eagan. The topic is arizona immigration issues and the city's response.

>> [ Inaudible ]. My name is elliot eagan and I'm a retired educator and i live in south austin. 3712 Camel street. Mayor, city councilmembers, following the local discourse on this issue, especially as it has been found in the statesman, seems dramatically reminiscent of the issues portrayed in bern stein's west side story, the sharks and jets are on the streets once again. It reminds me of this fictional account. A person in an out of control fury gesturing and moving about wildly, while abandoning in a very loud and boisterous string of oities directing at any and all around, punctuated with object scene gestures, all -- obscene gestures, all while driving a car, was spotted and subsequently stopped by a police officer. Indignantly the person queried the officer with all the offense one could muster. What's the problem, officer? The officer replied, you have gotten my attention by your behavior. And while following you to investigate, I noticed the cross hanging from your rearview mirror. The christian symbol fish plated on your trunk and the bumper stickers reading jesus saves and god bless the whole world, no exception. Naturally then, I thought the car was stolen. This story points to the frequent disconnect that exists between actions, behavior and professed values and beliefs. I feel such a disconnect is occurring in arizona. I see it as a type of jack bauer legislation, clearly a case of ends justifying means. And so for me it has a serious moral character to it. It deserves a serious ethical, moral response. Many have proposed comprehensive immigration reform as the most practical, humane and effective solution to the problem of illegal immigration in the united states. Embracing pathways through citizenship and enlightened family immigration system, due process protections along with other consideration,

embracing behaviors that can reflect our values and beliefs. Wellithin my own life experience and my own country --

[ buzzer sounds ] -- I witnessed the water can and guard dog approach to our own citizens as they sought right to guarantee private --

>> Mayor Leffingwell: eagan, your time has expired.

>> I will end by leaving for the city council perusal, the spring intelligence report of the southern property law center where one can behold --

>> Mayor Leffingwell: Thank you. Your time has expired. Your time has expired.

>> Okay.

>> Mayor Leffingwell: You can pass out your materials to the clerk.

>> I support your resolution.

>> Mayor Leffingwell: Thank you. Next speaker is kenneth synder. Topic is northridge acres decision. It is schneider. Okay. Makes more sense.

>> (Indiscernible). They got a holding pond out there and I can't understand they put that retention plan for a swamp. A swamp underneath the ground, that's why my water won't leave. It's all kinds of stuff like I said, putting it on top after swamp. I think it's going to take -- you see water running out of the ground. We need sewer out there desperately before we get children like that there, being poisoned out there. We've got a case. That's a third world country. We're only five or six miles down the road. That's a third world country out there. And bring it to the swamp that I see in there. That there -- I saw -- i tried to get a picture of it. There's a bird out there, but a bunch of buzzards came down there and picked it up. That's -- it's about six-foot deep or so. Our water table ain't about that high. When it rains, it's just a swamp. They're going to build 400 houses right there where that swamp is on the other side. I can't understand why we can't get human services out there. All I want you to do is the paperwork and stuff, turn it in to the water development board just like we did on water. I'm going to the water board on the 20th. They're seeing the same kind of pictures that crowf got here and everything. And I want to ask them for help. We're begging for them out out there. That's all we want, basic human services like everybody else. Down the street, six, seven miles down the street. 1325 And 35. And we shouldn't have to live like this. There's programs -- there's a dead cat out there --

(indiscernible). He lives about 30 minutes and dies. Another lady had a cat down the street that lived. We shouldn't have to have poison running down the street. On 1325 they've got the culverts made out of con concrete that's got this much sludge inside of them running from the city of austin back into round rock. It's uncalled for. When I first moved out there we were in the city limits. I paid taxes for five years

or six years to the city of austin for nothing. I mean, for nothing. And I never did get none of the money back either. We're not asking to be annexed in. We don't care about being annexed in. We care about keeping the infrastructure up. All we want you to do is just like we did for the water. We just want you to put the city water-- the sewer and do the paperwork because the commissioner -- he worked for judge biscoe. They don't want to do the all we're asking for is to turn the paperwork in, do the grants and get this problem fixed so we can live like human beings. We're not animals. It's 90 percent hispanic out there. I think we've been discriminated against long enough. I've been fighting this since 1980 trying to get help. Thank you very much.

>> Mayor Leffingwell: Thank you. Councilmember morrison.

>> Morrison: Mayor, i would like to ask john to help me understand exactly -- maybe we can do this offline and working with the citizen, understand the -- where the responsibility for this lies and if there's any action we can take even if it's only working with our colleagues on the commissioners cou. But if we could connect afterwards, la sar sus.

>> I can discuss that with you.

>> Morrison: Thank you very much.

>> Mayor Leffingwell: Next speaker is robert mcdonald, the topic is city policy clarifications.

>> Good afternoon. My name is robert mcdonald. I have a couple of questions for you. Why is the capital metro able to do what they want to do? You gave them \$55 million loan and they don't have to repay all of a sudden? Why don't capital metro have to adhere to the sound violation code in the city of austin? Their new buses that they have, when they stop your bus, the bus speakers holler at you. And it hollers so loud that it literally hurts my ears. I don't even push the stop request button. I go to the driver and ask him to stop at a stop. It seems to me if I can send people out to the bars and stand out there with those little sound meters and issue tickets for sound violations, can we do that with capital metro? Might martinez, aren't you on the capital metro board? Can you resolve this problem, get them to be in code compliance from sound violations? Is that possible? I sure would appreciate the help. It really hurts my ears. I don't drive. I ride the bus or I walk. And when I holler -- the buses holler at me, they want to call the cops on me. I say why don't you call the cops yourself? You're doing the same thing to me and it made me feel bad that I would go to the level that they do. We need some help with that. Another policy that I don't understand is, is it appropriate for city employees to be out on street and to discharge their duties representing the city of austin -- this is okay for the city employees to look online for registered sex offenders in whatever area they're working at and then disclose that information in the public manner as standing on the street, knocking on the neighbor's doors and saying, hey, you've got a registered sex offender over here. Is that appropriate for city employees to do? And last on, I sent a note to the -- to the city attorney, they refused to answer what the city policy is on such a thing. Is there a city policy on city employees announcing about registered sex offenders while they're discharging duties for the city of austin? You're the city attorney representative, right, ma'am? Is there a policy on

that?

>> Mayor Leffingwell: If you have a question, you can address it to the city attorney later. This is your opportunity to speak.

>> Well, this is my speak and this is part of my three minutes, and it is a question and it is something that needs to be resolved by the city of austin.

>> Mayor Leffingwell: We'll have somebody talk to you offline.

>> I've had no response from city of austin city attorney's office in that regard.

>> Martinez: Mayor, i wanted to let robert know that, robert, I'm glad to look into -- I'm really not sure what you're talking about other than the enunciator by the door when you get on and off the bus. Is that what you're referring to?

>> Mayor Leffingwell: Do you want to come up to the mic?

>> On the newer city council -- not city council buses, but the capital metro buses, they're 2200 series buses, when you pull the request for a stop, the other announcements are fairly loud, but they're not aggravatingly and they're not hurting my ears. But when I request for a stop, the stop requester, the sound level jumps from probably about 60-decibels to about 98. And I believe that they do this in the intent to wake up the homeless people that are sleeping on the buses. I think they need another way to wake the homeless people or anybody else.

>> Martinez: I'm not sure that's the intent, but I'll look into it. Councilmember riley and i both serve on capital metro and we'll follow up.

>> Mayor Leffingwell: Thank you, robert. Next speaker is rae nadler olenick. Topic is water fluoridation.

>>

>> good afternoon, mayor and councilmembers and thanks to our supporters for turning out. Over the past year and a half of speaking here I've watched the council engage many citizens communication speakers with questions and/or comments. You've responded directly to people being harassed by neighbors, people who are harassed by nighttime construction, people annoyed by the site of billboards. All worthy issues. But our careful, well documented presentation of the arguments against water fluoridation and issues that affect everyone's well-being has been thus far met with silence and one joke. Today I'm going to do something different. I'm going to ask a few serious questions relevant to our topic which I have been told by staff is allowable. First, last august and again last december the austin environmental board issued a recommendation to council to set up an impartial taskforce to revisit the city's 37-year-old water fluoridation policy. What is the status of that recommendation right now? Can

anyone tell me?

>> Mayor Leffingwell: No councilmember has taken action on that.

>> Thank you, sir. Second then, exactly what steps would it take to move that same recommendation forward? What is the process?

>> Mayor Leffingwell: Two councilmembers can bring it before the council.

>> Okay. Well, how does it get discussed? Who brings it up for discussion? How does that happen?

>> Mayor Leffingwell: When it gets on the agenda it is up for discussion. All this is your time.

>> Yes, I know that. Third, who has the duty to inform new austin parents that the cdc and the american dental association have issued a warning a fluoridated water to baby formula and other uses of water?

[ Applause ]

>> okay.

>> Mayor Leffingwell: Nobody has the answer to that question.

>> Right, no one has the answer. The record will show no response to that one. And finally, -- and this is an appropriate question because we are receiving mass medication, as everyone agrees who promotes fluoride, so I would like to know who among you uses unfiltered tap water as your primary source of drinking and cooking water? Any volunteers?

>> Mayor Leffingwell: Apparently not.

>> Okay. Okay. Thank you. Thank you very much.

>> Mayor Leffingwell: Thank you.

[ Applause ]

>> Mayor Leffingwell: Next speaker is ronnie reeferseed. The topic is peace and freedom generally.

>> Thank you, mayor. It's hard to follow rae. She's a great leader. Yes, indeed. And yippee, I'm ronnie reeferseed. Saying wake up kids, hold on to what you've got, your childhood, because you're going to miss it, believe me. With that first hit off a cigarette and joint, your first swig of alcohol it's over, like this. Hello adult world with bills and obligations and ew. And hey, wake up grownups. We have to stop the killing worldwide. Stop the killing, bring 'em home. Stop the killing to free the farmers and stop the killing

and help preserve the topsoil and stop the killing to cancel the war on pot smokers and stop the killing because it's the only way to help prevent on going organized crime thug, mexican drug war lords invasion of our nation. We have to stop the killing of absolute freedom for farmers and save family farms, topsoil, organic farming. Earn our leadership on the stage by example of open trade with all. No special deals for anybody. And about those criminals in congress, well, hey, they're not all worthless. There's that founding father against us now, ob-gyn ron paul who has lferred over 4,000 live births. He's a veteran an recently offered (indiscernible) to audit the feds to learn more call toll free 1888-3221414 for weekly updates, online visit ron paul.com. Visit the ground floor of the revolution. Imagine yet another dr. paul. For all of us to celebrate in the congress, this time to kentucky's newest soon to senator rand paul com to rand paul's views, which are greatly influenced by those of his father. And to see what's really happening in this world, as you visit online, infowars.com. And I go there to listen to the alex jones show that's on a constant loop between original daily broadcast. to monday through friday, four to six on also you can read great in-depth articles from all over the world about all topics. You can participate in message boards and you can also join me at travis county commissioners court sessions, which meet weekly with no rules. Help me invade the austin city council's meetings with their wacky misunderstanding of the cstitution and on and on. And also defeat long time truly evil traitor

(indiscernible) specter, you can call 877-434-1376 and leave a message about juan specter's crucial role and the jfk cover up and the magic bullet. It changed directions, lodged inside and came out without a scratch on the hospital gurney. Total hog wash, proven impossible. That's the key to the whole cover up.

[ Buzzer sounds ] arlen specter, 877-443-8476, say you're upset about him. Thank you so much.

>>>

>> Mayor Leffingwell: Thank you. The last speaker is douglas riley. Douglas riley? Douglas riley apparently not in the chaer. So those are all the speakers that we have signed up for citizens communication. So council, without objection the city council will go into closed session 071 of the government code for consultation with legal counsel to take up one item, item 47, concerning the NOVEMBER 2nd, 2010 Election. Is there any objection to going into executive session on the item announced? Hearing none, council will now go into executive session. >> Task force report. We are just -- just includes -- adopting and improving the recommendations of the task force action including setting a goal of 140-gallons per capita per day. Water conservation goal. Very significant turning point because it receipts a shift in our -- represents a shift in our focus away from peak daily usage, more towards recognizing that -- that we do have -- there are 365 days in the year and all of them matter. In terms of conser water. So I'm excited to be a sponsor of this, this is one of those items that it's unfortunate that we are limited that -- only three sponsors because every member of the council wanted to be a sponsor of this item, everybody has done more than -- than their part to -- to -- to demonstrate their commitment to water conservation. Councilmember morrison, wasn't to recognize, she organized a trip down to san antonio for us to learn from saws, having breakfast meetings with me, a number of other advocates to work on water conservation, i especially appreciate her efforts to this. So I look

forward to hearing from staff and -- in terms of their perspective on this. I don't know if anybody else is signed up.

>> Mayor Leffingwell: We do have several speakers. I would like to say a quick word. I'm a co-sponsor of this item, which does endorse the goal of the -- of achieving 140 gpcd, gallons per capita per day. By the year 2020. However, we did build in a lot of flexibility into this. So that we have the ability to go back and revisit that -- that goal, depending on changes in our industrial customers, changing in -- changes in demographics, changes in population, per se. And I think -- I think that we are going to need to do that. I want to recognize that -- that -- that I have been told by several people in the water utility, that achieving this goal will require a dramatic lifestyle changes. We don't know what those are going to be yet. If they can be achieved by educational means, but of course that's what we want to do. But I want to ask that when staff comes back with their review, their quantification of the over 100 recommendations, in the report, that they also give us a report on what will be necessary to achieve that goal of 140. So that we can make a realistic assessment at that time of whether or not it's an achievable goal. Certainly, if we can, we want to do that, we all want to conserve water. Realizing as councilmember riley just said that the 140 gpcd goal is really talking about -- about an annual average consumption. And that's a good thing. We do want to reduce the amount of water we draw out of the colorado river basin on an annual or ongoing basis. But I want to point out that it does not address the peak demand situation necessarily. We don't know that it will. It does not inherently address reducing peak demand. That's what drives our need for water quality or for water treatment infrastructure. So -- so this does not in any way contrary to -- to what may be -- may be said out there, does not affect our peak demand curve at least not at this point. And certainly won't until we hear back the report from the water utility approximately in december. So that being said, when a motion is made, I would like to add the direction first that the staff give us-- an analysis what was would be required to achieve that goal when they come back with their report in december. And between now and then, i would also like to ask that the resource management commission, I have discussed this with the rmc chair, give us a status update on the 2007 task force recommendations. What is the status of implementation of all of those recommendations and the reason that I say that is because just leafing through the 102 recommendations that the task force made, a lot of those that I have seen are duplicates of what the '07 task force recommended as well. So get a report on that. With that being said, again, I think it's important that we do focus on water conservation, we now have a path towards our water treatment needs based on peak demand that will carry us basically through the end of this century. We also knew that conservation was a companion to this process. And that we're going to have to do both. We're going to have to build new facilities and we're going to have to conserve to -- to preserve this very limited resource. With that I will open it up to the floor or we can go to our speakers, I suggest we go to the public hearing first or the folks who have -- not a public hearing. People who have signed up to speak on this item, beginning with bill bunch. Is bill bunch in the chamber? Roy whaley? Roy in the chamber? Scott johnson is our final speaker.

>> Good afternoon, mayor, mayor pro tem, councilmembers, mr. garza. I'm here today to support this measure, but there were items that I actually drafted a list of recommendations on november 22nd, '06.

And to the original task force and working group, they weren't considered strongly at that time, but I have gotten a response from staff now. One of the recommendations that I made is that Austin City Council should make a policy that all department directors receive a copy of their water and electric bill every month. I talked to Leslie Browder about this, the departments do receive a bill, but it's not directly sent to the department director. I think that they should receive that bill as well as develop departmental targets or goals for reduction, as you know we need to try to do better on that front ourselves, particularly with some of the departments such as PARD and the library department. Also PARD and the library should already have installed please save water signs within their own facilities. This is something that hopefully will be done in the near future as I was told by staff recently. New municipal facilities are already required to be built green. Silver Leaf standard or a two star level on the checklist for Austin Energy. However, they are not necessarily required to have rainwater harvesting as a primary means of water conservation. It may not fit into every situation, but it's something that -- that should be looked at. If it's not in the list of 102 recommendations that's already out there. In terms of marketing, what was mentioned earlier is true. The City of Austin for my long historical view does not do a good enough job in marketing their own programs, even the programs that were known -- that we're known for on energy conservation, when I work on professional and watershed protection, we could certainly do better in those areas, but particularly areas related to solid waste services, water conservation, we could do much better. What I would like the council to consider and the management to consider is that when you hire the chief sustainable officer, that the city person has under him in his department someone that works on marketing that has worked at a level of a large corporation or at a very high level, not just someone that's hired by the city. Not to demean those people that are marketing specialists. We have a lot of marketing specialists within the City of Austin. But they are not bringing to bear world changing ideas that are helping us reduce our energy use and water use to satisfactory level to meet the goals that we hope to meet. One example that we can look at is with regard to air quality. There's a lot of ideas on how to reduce air pollution, but if we look at what they try to do over time, the non-profits and all, trying to reduce their pollution simply drive less, use less energy, car pool, that's fine, but if you keep repeating the mantra to the public without giving them enough information or motivating, incentivizing them, it's not going to happen. We have been doing that since 1913, being led in part by -- 1993. If that's the kind of marketing effort that's going to go on, it's not going to be successful, I would be happy to answer any questions, thank you for your time.

>> Mayor Leffingwell: Thank you, Scott. Comments? Motion? Councilmember Spelman moves approval of item 35, Councilmember Riley seconds. Further discussion? All in favor say aye.

>> Aye. Passes on a vote of 7-0. Now we need to go back and pick up item no. 13. We have a brief presentation on that item.

>> Mayor and Council, Anne Morgan with the law department. I'm here to recommend that you approve a settlement in a personal injury lawsuit, Shane Roberts versus the City of Austin. As we discussed in the executive session on April 29th, THIS IS A CAR WRECK case involving the Southwest Services department. Roberts, the plaintiff, was injured and had surgery. He has medical damages and agreed to

settle the lawsuit for \$625,000 in exchange the -- \$62,500. In change the city will be released from the case. I recommend that you receive the settlement.

>> Mayor Leffingwell: Questions? Councilmember cole moves approval of the settlement. Seconded by councilmember spelman. Further discussion? All in favor say aye?

>> Aye.

>> Any opposed? Passes on a vote of 7-0. Thank you. That brings us to item no. 40. I pulled that off the consent, I would like to make a very brief statement about it. The item is sponsored by councilmember cole. What it seeks to do is get more information about possible fiscal impact of potential future bond elections. I certainly support that basic intent. Simply to get more information. But I'm not ready to vote on it today. Because I think we need to do some more work on the resolution language to ensure that we're asking for a specific information that the entire council needs. And that it does not conflict with the resolution already passed by the council. A couple of meetings ago. So what I would like to see happen and what -- for today is a motion to postpone this ITEM UNTIL MAY 27th, SO That we can have a little more time to work together on the revised language that we can agree on and I trust and fully expect that we can get there. Within two weeks. In the meantime, I want to commend councilmember cole for her work, especially, in her role as chair of the audit and finance committee, to try to assess the complex financial issues associated with the potential bond elections. So I expect to be working with her and with others over the next two weeks to draft some revised language and a resolution that will have unanimous council support. So with that, I will open the floor for other comments or suggestions. Mayor pro tem?

>> Martinez: Well, i didn't make a motion, but you make a motion to POSTPONE UNTIL MAY 27th, Seconded by councilmember shade. Councilmember cole?

>> Cole: I just have a few commen. I first of all want to thank you for your leadership for putting out a very clear vision that we want to take the city in recognize our critical needs in transportation and at the same time all of the other needs that the community has for park, libraries and affordable housing and that your willingness to work together and bring back some proposed options with the help of professional staff so that all of the council can be confident to take the bond initiative to the voters that we're going to gain their approval and trust. Really this issue kind of popped up at me, just because of all of the complex issues that are facing us on the revenue side. Especially the economic downturn and budget shortfall and concerns and challenges with -- with austin energy. In light of all of those things, I think that we have to be very careful on the debt side that we very carefully plan and deliberate our course of action that we're going to take. I also want to thank the professional staff for bringing us this far and understanding that this council wants to see a list of options that includes the potential for a bond election november 10 and potentially beyond that. And -- and as we do that, i want to be clear that we're asking staff to give us those options so that we can evaluate in the best interests of the community the way that we should go. With that I look forward to working with you and your staff and

especially our professional staff in bringing back an item at the next council meeting, may 27th. 25th? MAY 27th. That hopefully we can all approve. Thank you, further comments? All in favor of the motion to postpone say aye.

>> Aye.

>> Any opposed? Passes on a vote of 7-0. So -- so I believe, looks like we're right on time, we have completed our morning items. We will now go to our zoning zoning cases. 00 zoning cases, we will go to 30 briefing which is on t mrf. Mayor, mayor pro tem, council, good afternoon, I'm howard lazrus, here today to give a brief overview on the presentation of offers to council on the single stream material recovery facility also known as the we got to this point through the request for pr process, allowed for public private ventures and private solution, you will hear both solutions today. Reviewed by a 12 person panel internal and then they limited it down to the top five rated offers. Who were interviewed. Based upon those interviews, we are presenting today the three best off council. Two of those are public/private ventures and one is a solely private solution. Where we are in the overall time line is that we are making the presentations today. Following today's presentations, staff will complete their evaluation of the proposals and will come back to council with requests for authority to negotiate with the top-rated firm on the 10th of june. Our intent is to then return to council with a recommendation for award on AUGUST THE 5th. The currents, as you know, current recycling contract EXPIRES SEPTEMBER 30th. So the time line is a little bit tight. Today you will see two public/private ventures from allied waste services of austin and from west management recycle america, then the top private solution which is balcones resources. Each offerer will have 20 minutes, we ask for questions after. We have southwest services director here, robert gedder, and also david smit McCALLLY, IF YOU HAVE Question abouts the process, our purchasing officer byron johnson will lead us through the presentations. Good afternoon, byron johnson, finance, be glad to answer any questions before we go to the next --

>> I had a question. If you could explain to me about the process -- process existing these presentations part of the selection process? Other owe feedback or --

>> answer when you are done?

>> Yeah.

>> Okay. So the process -- had a preliminary scoring and then there were interviews and then there were clarifications and now the next phase of this, which is a presentation to council and this does include scoring that will be done by the review committee, as part of their evaluation criteria, to go through that type of thing before they come up with a ranking that would then lead to the next phase of the discussion. So, yes, this does have an evaluation criteria. Put to it. And every company then would be rated that makes presentations today providing also to give input to council.

>> Shade: I'm curious, what -- what -- you know, like if I was a professor, what would the percentage of

the grade be based on from this presentation? How much of this presentation that they are about to do that they have been waiting patiently to do count towards the overall recommendation.

>> About 8 percent.

>> Shade: How much?

>> 8%.

>> Shade: Okay, thank you. Any other questions?

>> Any other questions, councilmembers? The next phase of that is for -- from the three companies that will each have 20 minutes to -- to do presentations. And this morning before council started we drew lots, so that they would -- they would have in no particular order that they would, so the first presentation will be by the balcones resources and they will have 20 minutes once they start.

>> Mayor, councilmembers, staff, thank you for the opportunity to be here today. Glad to be able to -- to speak after -- after so many weeks of silence. My name is carey getter, the of balcones resources, balcones is an environmental services company involved in recycling, document destruction, and manufacturing of renewable energy. Our headquarters are at 1101 east 11th street here in austin. The first point that I want to make today is that we are all about zero waste initiatives. It's our life's work, part of our d.n.a. At our core we're in the resource transformation business. We're not in the landfill business. So when we say zero waste, we mean it. Your goals for recycling and the goals for our customers are why we exist as a company. The second point that I want to make is that we plan to deliver you world class facility on time and on budget. We have tremendous pride in our hometown. Balcones is proactive by nature. But if there's an issue, during the term of our agreement, you will know where to find me. I'm confident in making that commitment to you primarily because of the team we've assembled. It brings industry leading experience and broad capabilities to the project. You'll meet several of those members here this afternoon. We envision this project as an opportunity for the city to be seen as a model for environmental stewardship throughout the country. We also believe it to be a tremendous economic development opportunity for the region that will create green jobs and create an opportunity for the city's initiatives to be linked with local businesses. A unique form of sim bee i if the city had been doing business with us under our proposal since january of this year, the city would be making money. At balcones, we also believe in accountability and transparency. We will put the system in place to ensure the project operates in the same manner. An option to purchase the facility is available to the city if it desires or we will continue to own and operate it. We want your business. Let me be clear about that. My wife and I had -- sold and everything we had and moved to austin in 1993 to start balconies after a seven year career in dallas and the united states. Don't confuse local with small. Today we're the largest independent recycler in the southwest united states and one of the largest in north america. Our people are the best at what they do in the country. The majority of our team has been with us since the very beginning. Our management is not above any job. We have been solders, equipment operators, truck drivers, answer telephones, loaded trucks, loaded rail cars and we have all

swept the parking lot at one time or another. What's our future vision? Simply stated, we want to be the catalyst to assist the city with its plan for zero waste and reaching its climate protection goals. A little bit about our philosophy here. Our philosophy is consistent with the principles outlined in your r.f.p., here's why. All of our facilities have been zero waste compliant since our first day in business. Just to give you an example, we have assisted kimberly clark, frito lay, peps so, 3 m, dell, austin american-statesman and others in achieving their environmental goals. al clarity, balcones -- calculator, balcones resources creates a net carbon credit of 118,000-tons per year across all of our business lines. We think that's very important. Education is important part of sustainability. And in our proposal, we dedicated space for an environmental classroom and include teaching positions as part of the staffing plan. The best way to get to zero waste is through education. We have been educating the community for years on the benefits of recycling. For example, we provided free recycling services for -- for 100 aisd campuses for the last 10 years. We've always been active with various comparable organizations, lady bird wildflower center, people fund, keep austin beautiful and many others, I mentioned earlier that our people are the best as what they do in the country. We have identified our project team, many of those folks have been with our company for 10 years or more. They are in this room today and we are ready to get started. Let me talk about our experiences and qualifications for a moment. As a company, we have over 30 years experience selling material domestic and -- additionally, we have a dedicated fleet of rail cars which provides time lie and reliable transportation throughout the united states and mexico. Balcones is the largest rail shipper in the city limits of austin. Shipping by rail is a major factor in the reduction of carbon emissions. Due to our long standing relationships, we are able to command superior pricing for materials and proposed to pass that benefit on to the city. We will pay the city 94% of the actual sales price of the materials that are recycled. Next I would like to introduce joe sloan, one of our partners, 20 years of single stream experience, has been responsible for commissioning many single stream plants, will oversee start up as well as any transition plan, thank you, joe.

>> Thank you, kerry, good afternoon, mayor leffingwell and city council. It's a privilege to be a part of this team. To bring over two decades of experience to this project. For the past 20 years, my partner and I have been leaders in mrf system development with the specific emphasis on the development of single stream mrf processing technology and operations management of single stream facilities. Two of our recent mrf installations include the facility that you may see on your screen in san jose, california. Two lines running in tandem, one is a 35-ton per hour mixed waste processing line, the other is a 25-ton per hour single streamline. That particular plant services one of the largest independent recycling programs in the united states. The following is a plant that we just built last year in -- for a three coun jpa, brown, [indiscernible] counties in green bay, appleton, wisconsin, this is a public facility. We managed the procurement process, installation of the plant, start-up, management and training of jpa's personnel for that facility. In order for you to get a -- to get the clearest possible understanding of the plant that we propose to build for the austin plant, we have prepared today a three dimensional computer assisted design flyover of our proposed plant. Just for you today. If you will -- if you will direct your attention to your screens, you will see this 3-d version of our plant. You will notice the -- the elongated, the long rectangular design of the building, the structure, this is purposeful. It's very important because the long rectangle allows for the linear installation of the equipment. This reduces or eliminates changes in directional flow of materials and it produces an increase in plant productivity. As

you -- as you look at the system layout, you will note that the very first apparatus, mechanical apparatus is the metering bin. Zooming in on that right here. It's vital to the smooth and even delivery, presentation of materials to the sorters. Then the material is introduced to a series of screens that you will see there and the screens act as a mechanical separation device whereby newspaper, cardboard and mixed paper grades are separated mechanically from the waste stream. Then the final separation is from the remaining fiber, the containers are freed. Those containers are then delivered to a very sophisticated container separation system. The container separation system in this plant is a two deck system as you can see in the flyover and it can contain four optical sorting units. Those are optical scanners, they are computer aided to recognize the molecular structure of specific recoverable items and eject them for recovery and recycling. The remainder of the material, the

[indiscernible] from the material, go outside of the plant and come to this area, the end of the plant, where it's mostly finds and actually ends up being mostly glass. A clean glass product is produced there for distribution to local markets. As you look at this final drawing, you will notice all of the equipment that's represented in green, the light green color, that's the 35-ton per hour plant that we have proposed for the facility here in Austin. Note, please, that -- that the city plant represents a 20% excess capacity in a single operating shift. This means to you that your -- that your city's program can grow by up to 20% without the addition of any capital equipment and without the addition of any operating costs. So you have got 20% excess capacity than what we have proposed already. The blue equipment that you see there is equipment that can be added to bump the production capacity of the plant up to 60-tons per hour. If and when it's needed. The plant has been designed with redundancy in mind. In this lower area on the drawing, you will see a big open area, that's the tipping area, or the area where the trucks dump. That area is designed to be able to accommodate up to five days worth of incoming material from the city's collection trucks. We have also designed in two balers, meaning if one goes down or fails, all of the material plant can be directed to the other baler. We have designed in bypass functions at each step along the way. In the event of a particular equipment failure, the plant will continue to be able to operate. Finally, importantly and finally, our operating pro forma for this and our economic model provide goes a full system replacement, provides for full system replacement of all of the technology in plant within a 10 year period. This assures that Austin can keep the plant up continuously with the latest in advancing technology. Now, I would like to move on to our transition plan. And I'll make this brief, but we do have a transition plan, one that we have thought through. I think very well. And will be very helpful to us we propose to redeploy the city's Todd Lane facility. Our transition plan can be operational within 90 days, given the go ahead from the city. We have been in discussions with the original equipment vendors on that plant and the electrical engineers. We have conceptually designed the installation of portable recycling processing equipment for this interim process. And that equipment can all be reused in later permanent operations. We have done our homework, 7 million capital budget just for the transition plan and we're ready to implement it. Thank you.

>> Joe, thank you very much. I would like to introduce Sarah Canning, our vice-president of special projects and corporate safety. Sarah has been with our company for 16 years.

>> Thank you, Kerry. As Kerry said I'm the project manager of this team, we have been developing this

site for almost two years. Our site is conveniently located in central northeast austin, just eight miles from the city center, on johnny morris road. It's south of highway 290 and inside loop 130, within the city's two mile e.t.j. This site was originally a travis county maintenance facility for precincts 1 and 4 and is already served by all necessary utilities. It is also rail served and we have designed a dock that can accommodate the loading of up to seven rail cars at a time, that takes over 1500 trucks off the road each year. Our facility is planned to be at a minimum a certified lead silver building with features like rainwater harvesting, xeri scaping, electric plug in stations and recycle content structure materials to name a few are, an environmental classroom and teaching position have also been included in our proposal. We have incorporated areas for fueling and overnight parking for city vehicles, which will further reduce the city's carbon footprint. In terms of our schedule, we have been working on this project for some time now and recently submitted our site plan application to the city. With this process already underway, we believe that we have a very conservative construction schedule and can be fully operational in accepting material at our new facility by september of 2011. Additionally, we have received commitments for tax exempt bond financing and a performance bond commitment. We look forward to establishing audit protocols with the city and intend to share all purchase orders and pricing commitments as a demonstration of financial transparency. Our project design incorporates many important factors during the lead commissioning such as natural daylight, ventilation, ergonomics and dust control. Our facility will be state-of-the-art, a safe and clean working environment for our employees and for visitors alike. Our proposal includes a living wage and health care benefits to our employees and will create approximately 35 green jobs during the first year. Balcones has also enjoyed an outstanding safety record and was recently recognized by osha as having an exemplary safety program. Thanks and I'll turn it back to kerry. Sarah, thank you very much. Next, I would like to introduce clotile davis haynes. We are proud to clotile as a team member. Simply stated she's the best at what she does.

>> I want to talk to you about community values. As a one-time supervisor as the city's housing and community development department back in the 1980's, I can personally attest to the social responsibility of balcones resources, back in the 1980s, if you remember, east 11th streetas pretty grim, right, sheryl? A lot of disinvestment, dilapidated structures.

>> You are not that old, okay.

>> [Multiple voices]

>> the greatest poverty in the city. As part of the city's strategy, came up with a lot of -- of incentives to try to spur reinvestment but there were no takers. Even when one of the properties that the city had acquired called shorty's bar made the national register of historic places, there was still no takers. No one wanted to be that first urban pioneer to reinvest in central east austin. I can tell you that at that time when ara was beginning its efforts in the east 11th street, I happened to be associated with them at that time, all of a sudden in the door came balcones resources, they committed to be the first, when they agreed to make shorty's at 1101 east 11th street their corporate headquarters, it's been their corporate headquarters since the year 2000. Now, that same social responsibility that was demonstrated in the revitalization of east austin, I have got to tell you, it was that first step that was the catalyst for the rest of

the revitalization that has occurred over there today. All of the restaurants and office buildings, that happened after balcones stepped up to the plate. But that same responsibility socially and culturally you are going to find as we continue the process with outreach efforts. I will be the outreach coordinator. We also have on the seem adrian neeley, the own me of tri ad maintenance who specializes in the construction of recycling materials. we will work very closely with smbr with other local entity that's can get involved in this process. We will do information session, reach out to the various contracting associations, here's the commitment. We will make sure that this project reflects the diversity of our city. Thank you.

>> Clotile, thank you very much. In closing, I would like to summarize, these are facts. For 16 years we have been good corporate citizens. And our actions have been consistent with our words in the community. We're zero waste, we are in zero waste in resource transformation business. We have 30 years experience in the recycling industry. And our programs have with stood the test of time. We have submitted our site plan to the city. We are ready to begin construction. And we will be operational by september of 2011. We have a viable transition plan. We believe we have the best long-term solution for the city with the most options. We want to be your partner. We're local. We're austin. We're here today and ready to go to work for you.

[ Applause ]

>> we want you to get on the balcones recycling train.

>> Thank you.

>> Mayor?

>> I just wants to suggest to staff that they get an extra half a point for that good haircut from one of the presenters.

[Laughter] yeah, yeah, I like the haircut.

>> Council, while the next company sets up, this will be resource management. Again, we have got three companies and while they are setting up and getting ready and getting cued, I want to take the time to thank all of the companies that responded. As you can see, this is a lot of effort and time on their part and we appreciate it. You are ready, sir. mayor, members of the council, my name is pat

[indiscernible], the president of waste management recycle america. Waste management recycle america is a wholly-owned subsidiary of waste management. Councilmember, I think that I am working toward that haircut that you just mentioned. We're proud to be here, we thank you for giving us the 20 minutes. I'm going to give the bulk of the presentation to the architect and our project manager. In terms of qualifications, waste management recycle america is the largest recycler in north america. We currently have 93 material recovery facilities in north america, one third of those about 32 are single

stream plants. And we have just finalized a private/public partnership in -- in ocean county, new jersey. That we just completed like we're talking about here today. We are the largest recycler in texas as well, we consider ourselves a company from texas, our headquarters is in houston. We are the largest recycler in the state of texas. We currently process half a million tons of recyclables of our total 7 million-tons that we manage on an annual basis. We are absolutely committed to the mission of the city of austin. Of trying to attain zero waste. By the year 2040, trying to achieve that 90%. You definitely can't achieve it just totally with single stream processing, you have to have other opportunities to divert material like construction demolition, recycling, like electronics recycling, like organics. And I think that you will hear in our presentation today that we -- that we view that as an opportunity in the greater austin region. Your goal is our goal and we feel like we have a track record of not only in texas but in the greater north america environment we have a commitment toward sustainability and minimizing carbon footprint in austin and more importantly, when you look at a potential price tag of \$18 million, I'm the person that's in charge of -- getting control of those purse strings and I'm here to tell you that I'm committed to this project and if one of the three options is selected as a public/private, where the private has to commit capital, it could be as much as \$18 million in the greater austin area. It's a project that i completely support. And I'm here to make sure that the rest of our team is as supportive as I can be as the president company. What I would like to do is hand over the meat of the presentation. We will start out with

[indiscernible] our architect on the project. He will describe the project further for you. Mayor, council, my name is jaime beman, I'm the local architect, president of casa bella architects, I will serve as the project manager for the design team for this project. Did I go too far? Austin zero waste team is made up of several key members, waste management recycle america who will lead the entire enterprise, casabella architects along with the local design team who I will introduce, you know, later, are our -- rrt, design and construction, they are the foremost designers in mrf equipment in the country. Gilbane is our general contractor. And bollegr a plaza f equipment was selected because of -- of iraq america's experience with their equipment which has proven to be durable and long lasting. Bollegraaf. Done by the university of texas and colorado, if we build this facility together, there will be a economic impact over the next three years of over \$80 million. And it's also anticipated that -- that taxes in the 3 million will be collected in the next five years. Job creation during the construction phase will peak at 319 jobs with 70 permanent green collar jobs for austin citizens for this project. We have asked the representatives of our local design team to be here today. Can all of y'all please stand up. All of these firms are city of austin certified minority or women-owned firms. The design team that we have assembled is the same that worked on the city of austin's mrf project two or three years ago. This team will save the city of austin time and design fees, building upon the vision that was already established by the city of austin two years ago. Th is my favorite part as an architect. I am thrilled to be here. I worked on the project two or three years ago. came out last year, I was excited about the possibility of being involved in the mrrf project one more time. When in my mind is one of the most sustainable projects an architect can possibly be involved in. We contacted every potential bidder for this -- for this and we settled on waste management. Recycle america. Because they are committed to working with the local design team, and because of their commitment to build on the city of austin's vision for this project. Two years ago, we were designing a lead silver project. The project we present to you today will be designed

and delivered to meet lead gold. I have gone through all of the numbers and we can get there. We are going to get there through several things such as passive lighting, rainwater collection, and other water reduction systems, a state-of-the-art water quality ponds to control storm runoff, and a -- approximately one acre of roof mounted photovoltaic panel that's will produce 15% of the total energy for this facility. This slide further -- further expands on how we get to lead gold. I won't go through it, but it is our belief that when we complete this project, it will be the first lead gold facility in the united states. Mrf. Also a regional recycling access center giving williamson county access to austin's mrf, this will provide additional royalties for all of the materials received and the -- and this facility will have two functions, first it will allow austin to send organic and c and d materials to the facility for further processing and it will give williamson county access to a single-stream recycling facility. This facility is an important step in expanding the regional approach for reuse, recycle, and composting programs. In order to meet your vision of zero waste. mayor, I know that you are walking away, but i am supposed to bring a letter from judge -- from williamson county judge dan gattis showing his support for this project. .>>> Well, what do you get for your money? We think austin has a clear choice. It's a choice starting your green vision now to get to real zero waste by having a -- a -- a lot of choices that will get you to your greenville large concept as your -- green village concept on your landfill, that will take on not just what do you today but what you're going to do in the future. We're going to do it and you're going to own it at the end of 10 years. Let me tell you about what exactly you're going to get at the f.m. 812 landfill. Okay, if you are looking at your presentation on the screen, I'll walk over here for a second and I'll show you that first of all you get a road. That comes in to the -- to the truck and scales right here. There's a cordless mic there, yeah.

>> Is there? Okay. I can do it from here. So what do you get for the money? We gave you a facility that's going to get to you 2040. It's going to have the capability to grow with you. The equipment to grow with you. And allow you to expand just beyond your residential program to all of the other waste streams that you have to attack to get there. And we gave you what we hope will be the world portal to zero waste in the education center. In it, you will have -- you will have all of the roads 812, past the scale house, and around to 112,000 square foot building as it was mentioned it's leed gold certified and in that building we have a system that's going to allow the addition of four new materials to your single-stream program immediately. Including in those materials are small appliances, plastic bags. We're going to allow you to bring in all of the rigid plastics from households, that's buckets, toys, finally aseptic containers. It includes all of the roads, all of the utilities, all of the equipment and again it's meant to last a lot more than 10 years. The manufacturer that we chose, bollegraaf, we have a lot of experience with. The system itself is made for the additional materials. It's also 112,000 square feet which allows new stuff to go own side and gives you a lot of benefits for the future. So let's talk about those. Just so sum up, looking at 112,000 square feet. On one side of the building, we are going to have a portal where we talked about the c and d and yard waste that can be dumped any time you decide to start a program. That material be taken by truck over to what we hope are our williamson county -- c and d facility. And organic facility where it will be processed. What you will pick up there is the single-stream material from williamson county, bring it back to here and once it gets back to here, it will be processedder are along with yours and you will get a rebate on it. Let's talk about the benefits for you under this. There's -- we have two options that we propose. The first is a public option. In this option, you would invest in your

facility and we would be the operator. Under that scenario, we would pay you back 80% of all of the material that we are able to recover. You would pay us a tipping fee of \$65. And -- \$65.52. Right now, you would be making \$20 a ton pay back towards your investment. A month ago it was \$27. And the long-term average is around \$20. The benefits are, right away with that investment, you are going to be returning to the city on the rebate on the open market today, \$1.25 million. On your investment. That you will be paid for your r immediately. In addition, this is also a commercial facility. This facility will allow you to expand from your commercial recycling ordinance and charge whatever you need to charge at the gate for other companies, other people who want to use it, to meet the goals of that ordinance. Because it's a commercial facility, we are pledging all of our tons and will pay you a royalty for the use of the facility. So along with the rebate, you will receive \$30,000 in royalty. What we are really excited about, the spirit of the , was the public/private partnership. In this scenario, this is the second scenario, of building this facility, building a regional approach, building everything that we're going to build on the facility, and in this scenario we're going to invest today \$14 million in the city of austin. You will own the equipment after 10 years, it will be your facility. You will be paying for the building and the roads, to us, in a -- and a tipping fee. We will be still -- we will be receiving a revenue benefit from it and your average tip fee per ton will be \$20. At the end of 10 yea, you again will own the facility. Now, the big thing about this, the thing that is most exciting to us, you -- you have this on the board. Three years ago. The cost that came in, made it untenable for the city of austin. We have managed to give you everything and more. A much more flexible facility. A facility that will actually be here in 30 years. Equipment that we have at 30 of our facilities that we know is the best equipment in the world. And we run all of the different types of equipment in our 100 plants. And you will have saved \$33 million from that concept. And you will really have a green campus, you will have a resource center as your goals for austin zero waste called for. -- The public private partnership will see 13 million alone flow in the austin community from west waste management. As pat told you, he's ready to commit to that today. You still will have the royalties and tipping fees from the commercial part of it and any of the other options that we are offering, c and d recycling, the use of part of the center for us to move our e cycling facility there, so you can have electronics recycling immediately. We will pay you a rent to do that. We put together a comprehensive proposal. We hope that you study it because these options give you the ability to get way over the waste recycling that you have now and start you on a road toward a vision that will take every year to get there. City owns everyone after 10 years, financing available, designed to last. We will make it a wildlife campus, a green campus, we will reinvest upon renewal and it has the ability to upgrade and expand. You have room to grow here along with a -- with an education center that will be second to none. -- Finally you are going to get a commitment from us to bring all of our resources to bear to improve the educational approach to your community outreach, so people actually do recycle more. We'll go into the communities using curb side value partnership and other non-profits whose only job it is to stimulate those factors and help -- help really drive recycling to the future. Everything that I have given , zero waste goals, climate protection act, capcog goals, how are you going to get there? There's no company that has the facilities, the capabilities, the resources and you have the -- you have the big desire, we want to commit and get you there. And that's what we're here to dooday. Pat?

>> Thank you very much. We have one more firm that is going to be setting up to present to you, that

will be allied waste? That's the last firm that we have today, while they are setting up and getting ready, I just wanted to mention that again we are still on track, on the process. The original goal was to make this presentation in may, so that's on schedule and the next action at council is scheduled for the 10th of june on the agenda. And that will be the next item that you will see after their presentation, we will open it up for questions that you have and I'll try to moderate those questions. Sir, if you are ready? Good afternoon, mayor leffingwell, councilmembers, my name is lee kuhn, the general manager for allied waste in the austin area. We are pleased to present to you today our proposal to construct and operate a single stream materials recovery facility on the city's f.m. 812 property. With me here today is brad dugas, our area president. Steve shannon, our municipal marketing manager. And the -- in the audience here is [indiscernible] kinky our corporate recycling manager, ray schull, president, ace and adam [indiscernible], project engineer. We will share with you today why allied waste is uniquely qualified to best deliver on the city's stated goals and objectives as detailed in the r.f.p. We will highlight several key elements of our proposal, including site layout, operational features, our community and environmental benefits, exceptional financial value we bring and other important advantages we will bring to a partnership with the city. Allied waste and republic services successfully merged in december of 2008. We are the nation's second largest solid waste service provider. We service over 13 million customers across 40 states and puerto rico. We have over 30,000 employees and we operate approximately 16,000 collection vehicles. In addition, we operate 78 recycling facilities and since the time this proposal was prepared, an additional single stream mrf came on line in minneapolis, minnesota, we process more 2 million-tons annually, we also operate 400 collection companies, 242 transfer stations, and 5 billion in total assets. We are committed to recycling. Each year we recycle enough material that a belt laid end to end with stretch from new york to san francisco three times. Environmental stewardship is our business. We are committed to making a positive impact in the communities that we serve. More than 750 of our vehicles now use alternative fuels and for 2010, 20% of our new trucks will utilize natural gas. We are currently testing the nation's first diesel electric hybrid refuse truck. Some of our landfills have been certified as national wildlife habitat or wildlife habitat, excuse me, in '09 recognized three of our new landfill gas and energy products as payne projects of the year -- as e.p.a. projects of the year. We're an innovative company. We have developed the nation's first solar energy cover system designed to not only safely cap and close fully utilized landfills, but also to harvest sunlight and clean renewable energy while doing so. We are generating alternative income at 74 of our landfills nationwide. From these facility, we produce enough energy to meet the needs of approximately 365,000 homes. That's equivalent to 1 million cars from the road. Locally, our austin and san antonio landfills have continuously supplied electricity to austin energy in -- equivalent to the energy needs of approximately 8,000 homes and we have been doing so for the last 10 years. Locally, our company has been a contributing member of the austin business community for over 25 years and we have ser over 35 surrounding cities and m.u.d.es. We have overs 173 dedicated employees that live in and around austin. We have operated our recycling facility at the metric boulevard for the last nine years and processed more than 380,000-tons through that facility. We appreciate and understand the requirements and goals of this project and we are proposing a comprehensive package that includes a 25 year partnership, we will design, permit and construct a 100,000 square foot leed silver mrf at no cost to the city. All -- we will use all new single stream processing equipment, a dedicated full-time sustainability coordinator and our rate structure is simple. \$60 Per ton processing for all city incoming

tons and 80 percent rebate for all city marketed materials. We have with an onsite education center and on-site sustainability center. We offer flexible transition options and our proposed project will result in reductions to the city's carbon footprint and operating cost -- carbon footprint and operating cost. 812 property is a very good location for this critical project. We believe it provides the basis of a strong public/private partnership. The site is especially suited for a sustainability campus of which the mrf will be a critical component. Primarily due to the location, transportation corridors including highway 71, 183, 130. It's a valuable -- furthermore, it's a valuable public property that may not otherwise be utilized located within a permanent solid waste facility. Some of the key site layout features include scale house with inbound and outbound scale with easy tag system, separate entrance for employee and visitors. The primary entrance will be the existing landfill, of course, enhanced for the all commercial traffic. And it will have an onsite sustainability center. Our conceptual building elevations incorporate recycled materials into the architectural wall panels. We anticipate closely coordinating with the city to ensure that the facility meets the city's high standards. Structurally the building will be durable, environmentally friendly and easily expandable. Functionally we propose 30, 40-foot wide entry doors for efficient unloading, 12 loading dock systematic outbound shipping and 5,000 square feet dedicated to on site education center and offices. Steve Shannon will now describe the operational sustainability and community benefits.

>> Thank you. Operational benefits are numerous, we have a great deal of experience operating recycling facility, we operate 78 in the country, actually 79 in country now, 11 of which are single stream plants. Single stream is very unique unlike anything else, very complex, complicated, varies by load in its content. It takes a lot of experience to understand how to properly manage that we have that and are bringing that expertise to the benefit of the city. Our mrf design, equipment and operations will maximize the recovery, will maximize the products that we produce, minimize the energy use and the green house gas impact, minimize residue, all while operating in a safe working environment. To achieve economy of scale, which will benefit the city and to achieve the greatest sustainability impact, we intend to operate this facility as a regional facility to bring opportunities to the surrounding community as well. Designed to process not only single stream residential recyclables, but dual stream residential stall and recyclables from commercial, industrial and newsal recycling programs, the city of Austin will receive our highest priority as a benefit of our partnership in this endeavor. The facility will start with 30-tons per hour through put capacity, which is more than enough for the city's single stream program. And is readily expandable to 35-tons per hour to accommodate the -- per hour to accommodate the city's forthcoming business recycling program. The city wants transparency. We will share all of our operating costs and market sales data with the city. There are many sustainability benefits to our proposal. Excuse me. In addition to normal recycling streams like single stream, cardboard and commercial recyclables, we will also target through our on site sustainability center, e waste, u waste, used oil recycling, furnish turnture and appliances for refurbishment and recycling. This will give us an opportunity to reach out to local businesses and vocational schools, most particularly the east side Austin green tech high school to -- to foster job skills, career mentoring, and internships. One of the advantages of the 812 site is that there will be plenty of room for other sustainable technologies and endeavors. Including the incubation of local end use markets, construction and demolition debris recycling, in vessel composting, surface composting and other technologies. Due to the partnership that our company enjoys with recycle bank,

we are able to offer their nationally acclaimed and successful recycling rewards program to the city of austin at a substantially discount. This program rewards participants and significantly increases tonnage. That rewards program was recently been instituted in atlanta, houston, sacramento, los angeles, philadelphia and other communities. There are many community environmental benefits, we will employ a full-time sustainability coordinator whose job will be to outreach and educate residents, businesses, industries, schools group to increase participation and impact. This endeavor will be supported by a minimum of \$50,000 annual expense budget. The education center at the facility will serve as a living classroom as does our current recycling plant here in austin where we partner with lanier high school and other schools. In partnership with the university of texas environmental sciences institute, we will develop a k through 12 and undergraduate curriculum focusing on recycling and zero waste. We will also involve in that endeavor the east side green tech high school. In addition to the energy and green house gas reduction features built into our mrf, we have a stated goal in our proposal of reducing our energy consumption by one percent per year, we are confident that we can achieve that. Without fanfare, and self promotion, allied waste services has exhibited a commitment to the stay's sustainability -- city's sustainability goals for many years, we have operated a recycling plant in austin for more than 20 years, our facility be current facility on metric boulevard has diverted more than 280,000-tons from disposal into recyclable markets. While serving more than 35 's and hundreds of businesses that are located inside the city of austin. We developed the first local landfill gas to energy plant which for the past prefl years has been -- 12 years has been supplying 35 local homes with alternative energy via austin energy. We developed the nation's first solar energy cap landfill system at our landfill in san antonio which is being deployed at ore landfills in -- at other landfills in the nation. Local employees of our company have been active, either board members or officers of keep austin beautiful, state of texas alliance for recycling, the capcog solid waste advisory commission, austin chamber of commerce, and we were appointed to serve on the city's long range southwest planning task force -- city's longage solid waste management task force which led to the city's waste plan. We negotiated with the city to close our local landfill down in 2015. Consequently, we are changing our business plan from one based partially on recycling to one based primarily on recycling. We embrace the city's zero waste goals 100%. We hope that we are demonstrating through our proposal that we are willing to commit substantial resources to this project to make that goal a reality. We believe it is very important to be good neighbors where we operate. A prime example of this is the relationship that we have enjoyed with the north austin civic association for 10 years. Some of the things that we have done with them are provide free quarterly bulky waste collection pickup at no cost to them or the city of austin. Several walnut creek cleanups. In cooperation with naca and lanier high school. We have donated bikes to the austin police department to make it a safer neighborhood as part of the adopt a street program we clean up metric boulevard every week. We have donated more than \$30,000 to naca for their parks improvements and other improvements in their neighborhoods. We share the city's interest to ensure this facility provides a great place to work. Allied waste has the best safety record in the industry. That doesn't happen by accident. We have an intensive daily, weekly, monthly, annual safety training program. We are committed to equal opportunity hiring. And advancement. And will meet or exceed city of austin living wage employment policy and the policies in this project. We are proud of our employees. Treat them with respect. We treat our neighbors with respect. And the city with respect. In this project.

>> In addition to the operational sustainability and community benefits, we will contribute significant financial value to the partnership with the city. We will fund 100% of all of the costs to develop and construct the project. We will be completely responsible for all of the operations, maintenance, for the equipment and facilities through the term of the contract. And at the conclusion of the contract, we will convey ownership of the facilities to the city. We propose a clear and verifiable rate structure. Based on a flat \$60 per ton rate for all incoming city tons. And a -- we will rebate back to the city 80% of the city's marketable materials. The city will receive the higher of the actual sale price or the published index price. We typically receive 10 to 20% higher than the published index price. To assist the city in transitioning from its current vendor to this permanent local facility we have prepared to accept 100% of the city's volume as early as september of 2010. We have the capabilities and the expertise to see that the city's recyclables are transported, processed and marketed in a manner that meets the city's expectations. During this transition period, we propose three options for the city to consider. A flat rate of \$25 per ton for all city tons. And actual market less actual cost scenario, where the city will receive 100% of the rebate. Yet will -- will pass on the operating costs with no markup. And then lastly, a to be negotiated processing fee and rebate structure. In an effort to help the city achieve its carbon neutrality goals and lower its waste collection operating costs, we are offering the city the opportunity to direct a portion of its northern waste collection routes to our sunset farms landfill. This could result in a reduction of approximately 146,000 heavy truck traffic miles and which equates to approximately \$310,000 in annual operating savings for the city. And in addition that equates to approximately 478,000 pounds of co 2 per year. We offer these -- this volume and -- and volume discounted rates through 2015. So why choose allied waste? The other gentlemen said there is a choice. We have been a local company serving austin in the austin surrounding area for over 25 years. For over 20 years we have been recycling locally here as well. One of the largest recyclers in texas and probably the largest recycler in central texas. We have dedicated local employees that -- we have proven, demonstrated commitment to our communities that we serve. We have the backing, strong financial backing of a large company and the solid expertise to operate to construct and operate one of these complex facilities and we can do so in a timely manner, guarantee the city efficiency, clear transparency, and fair and effective rates. As steve mentioned earlier, our goals are aligned. And this market -- in this market the reality is that our landfill will be closing in 2015. And that's a reality that is a benefit for us in this market. Because we will direct all of our resources in the -- in finding alternative disposal methods in this market. And it's something that i think we share with the city. We are 100% committed to the city's zero waste goals. Thank you.

>> Okay, mayor and council, that's the three proposals. You can see everybody spent a lot of time and great effort to be able to do this one. Subject to your questions that you may have, we have the solid waste staff here. If you have a question of them or any of the particular proposers, i would be happy to moderate that.

>> Mayor Leffingwell: Questions, council? I know it's a lot of information. Again part of the information today was to give you this first look, so that way when we come back again, you will have had one look at it already, time to take this information, both in electronic form and a paper copy provided to you so you will be able to look at this information between now and the 10th of june.

>> How many total applications did you get?

>> We had more firm that's did not make the short list. We had five -- seven total firms, I'm sorry. Some that were -- five of the public/private and then two that were the private only partner endeavor.

>> Mayor Leffingwell: Are we going to be furnished a list of those names?

>> Yes, in fact I think we already gave the names of the companies originally when they came in. We will be glad to provide you that information again of those who submitted proposals originally and now you know the three short listed firms. Anything else that we can provide you, we would be glad to do so.

>> Mayor Leffingwell: Mayor pro tem martinez?

>> Martinez: Thank you, mayor, I wanted to thank all of the presenters for being here. The last presenters stole our idea about putting an environmental program in the school system. But it's a great idea because the mayor and I had already talked about trying to get curriculum into the school system that deals with things like recycling and environmental activism and education. Because it's such a critical component of our community. I did have a question, actually for the city attorney who seems to be not available. Kerry.

>> We have attorneys here. If you have a legal question.

>> I'm sure there's a lawyer somewhere.

>> Mayor Leffingwell: We have more than one.

>> Hi, kerry. Yeah, yeah. You didn't mean to walk in those doors when you did. Just happened to be.

>> Carey [indiscernible] with the law department.

>> I wanted to ask a question just to get it publicly on the record. I have already asked the smith earlier this week. But I just wanted to ask it out here rhetoricallly so we can get it on the record. We have three proposals recommended by staff as so far being the three best proposals, still continuing to evaluate them. At some point council is going to give direction, either choosing one or some other direction.

>> Uh-huh.

>> The question that I asked was we had received a proposal from -- from -- what was deemed a proposal by tds relating to the mrf. My question was could that proposal be measured with these three outside of this process? Meaning comparatively.

>> Right. The law requires when the city makes a policy decision to enter into a very rigorous process of competitive bid, that we follow all of the policies and procedures that we create under that process. And -- and -- and that -- those rules are created so that every -- every appropriate bidder, every company who follows those rules is treated equally or uniformly. So basically courts over time have said out of fairness, once you pick that process, you have to follow all of your rules. So it doesn't -- it doesn't allow for two separate processes to be going on at the same time. Out of fairness to the company who's did follow the rules of the that's -- companies who did follow the rules. That essentially in a nutshell what courts have said over time.

>> Martinez: Because the proposal from tds was deemed in response responsive, technically -- nonresponsive, technically it's considered no bid, nothing to review.

>> As long as the city made the policy choice of competitively bidding, that's the only process that's available to us while we're in it. Out of fairness to the seven or eight companies who did this. Because there certainly has been a good bit of litigation in that area over time. And courts have consistently said that. And the city has very well -- very well established policies and rule that's all of those companies expect to be required to follow and that they are -- that they are -- that their competitors also follow.

>> Martinez: All right, thank you.

>> Does that help?

>> Follow-up for the attorney, also.

>> Mayor Leffingwell: Seems to me what the mayor pro tem was asking about was about information. That could be -- that could be a hypothetical no name entity that made a bid that was rejected for some technical reason. Still seems that it would be interesting to -- to compare side by side so that we would be able to see if there's some big discrepancy, big advantage or disadvantage, so you are saying even the information contained in the proposal, even though it would -- could be -- could be -- you would say in advance that -- that this -- this particular bidder is disqualified, that the information in the report can't even been -- be disclosed? I'm not --

>> I don't think -- I think it would be appropriate based sort of the expectation of the parties at that point. I -- I think it would be inappropriate to discuss it publicly.

>> Mayor Leffingwell: Would you like to think about it further?

>> My boss might help me out in this. I think -- I think that -- that again that just goes back to the same, my same statement about the city may make the decision to go through the process in a competitive matter and we have to follow our own rules to do that.

>> Mayor Leffingwell: I understand that you are maybe prevented from awarding a contract because of rules violations. I'm having a hard time understanding why the information contained therein can't be disclosed.

>> I think -- I think it could certainly be discussed.

>> Mayor Leffingwe Okay. It's a question, we have a few weeks to think about it.

>> Yes, sir.

>> Mayor Leffingwell: Thank you, anything else, council? Thank you very much, everybody was right on time.

>> Thank you for your final. So -- so that now brings us to our 2:00 zoning cases. Mr. guernsey? Do we have a representative from the zoning and development review department here today? There he is. Just on time.

>> Thank you, mayor and council. Let's go through the zoning ordinances and the restrictive covenant items that we can offer for consent. The first item that I would 49 c14-2009-0102(part) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building

(V) Zoning Opt-in/Opt-Out Process, Tracts 3, 11, 13, 15, 17, 19, 21 and 22 - amending Chapter 25-2 of the Austin City Code by applyi All in the upper boggy creek neighborhood planning area. We are prepared to do second and third reading today, however, we have removed tract 3. From your ordinance and we will bring that back on may 27th. Also, at that time we were bringing back a future land use map amendment. So you consider both of them for tract 3. So we will offer that. 49 for consent for seconds and third reading, but noting that tract 3 will COME BACK ON THE 27th. 50 . C14-2009-0157 - Albert Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the -- We have to suspend, i believe. 1, 2 --

>> I think councilmember morrison had a question for staff on item 50. If -- I don't know.

>> Item 3?

>> On item no. 50.

>> Mayor Leffingwell: I meant tract 3.

>> Tract 3 on 49 I think -- certainly can do that consent and come back.

>> Mayor Leffingwell: Come back to that. If you would like to take that on consent and voigt for that now, you can.

>> Mayor Leffingwell: So the consent agenda as of right now is -- is to approve 49 on second and third reading, noting that tract 3 is removed. And the same anything for item no. 50. 50, as I said, I think councilmember morrison wanted to ask staff a question for that.

>> Mayor Leffingwell: Stand by.

>> Mayor Leffingwell: All right, so the consent agenda will be only item 49 to approve on second and third reading with tract 3 removed. Is there a motion to approve? We're going to address it separately. Let me read item 50 boo the vord again. Record again. Cause number C14-2009-0157 - Albert Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201-7207 Albert Road and 1305-1407 Matthews Lane This is a zoning change request to single family residence standards lot conditional overlay or sf 2 co combining district zoning ready for consent approval on second and third reading, but I understand councilmember morrison may have a question for staff. Or maybe not.

>> We did have -- there was a question that we threw out once we did it -- when we approved it on first reading and there was some concern that had been raised by about flag lots, that was mainly driven by fire access safety concerns. I understand there might be a way that the owner had agreed to that we could address those concerns.

>> I believe there was a question that was proposed, if they would agree to a lot width of 20 feet. For a flag lot. But -- but this would be -- would be basically a condition, say, unless a joint use driveway is used as alternative access. For a single family use. Then the maximum lot widths at the street frontage on matthews lane or albert lane is 20 feet.

>> Wouldn't that be minimum? Not maximum.

>> Minimum lot width, excuse me. Would be at least -- at the street front on matthews and albert is 0 feet.

>> Morrison: I think that suggestion would solve the problem. Because that means if they are using that access it will be 20 feet as opposed to 10 feet.

>> That's correct.

>> Morrison: That sounds like a good solution.

>> There was also one other notation that I have been told that may be different from first reading, is that -- there would be two driveways that would be used for single family residential use. And they may be joint use driveways that serve one or more -- one or more single family residential uses. If you had two driveways for a single family use, they may be joint use descroif driveways. If that does occur that

would be the access point, still both driveways would be joint access driveways.

>> Morrison: That's fine. So can that get incorporated in on second and third.

>> Yes. I think we have already discussed with law if that's the council's desire we can make those two small changes.

>> Morrison: I would like to make a motion then, however we need to manage this.

>> Mayor Leffingwell: Well, it seems to me that we could haven't handled this as a suggested with item 49 on consent and 50 as a discussion item. But now I think we're at the point where we have 49 approval on second and third with noting that tract 3 is remove and item 50 to approve on second and third reading is the consent agenda.

>> That's correct.

>> Did you have a comment, mr. attorney?

>> Mayor, I just had one question, just to make sure that we got the language absolutely right on the second statement that mr. Guernsey made. At the end of that state, joint use driveways that serve, was that one or more or more than one single family residency use?

>> Are you talking about the two driveways shall be for a single family residential use and may be joint use driveways that serve more than one single family residential use.

>> Okay, I just wanted to make sure that I got that right, thank you, mayor.

>> Mayor Leffingwell: Okay. Does everyone understand the consent agenda for those items where the public hearing has already been held. Is there a motion to approve?

>> Move.

>> Second.

>> Councilmember spelman moves approval. Seconded by councilmember morrison. All in favor say aye.

>> Aye.

>> Any opposed. Passes on a vote of 7-0.

>> Thank you, mayor and council, let me move on to 00 zoning where the public hearings are open

possible action this evening. The first item that I would like to offer for consent is item no. 51. 51 Ph . C14-2010-0021 - 12104 n Lamar Blvd - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 12104 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial Lr district zoning. The zoning and platting commission was to grant neighborhood commercial-conditional overlay (LR-CO) district Zoning. This is ready for consent approval on all three readings. 52, this is case C14-2009-0078 - Limerick - property locally known as 12412 Limerick Avenue And we have a second request from -- from the owner to postpone this particular case and I believe the -- the reason is to look at some traffic issues. And also to look at the site to make sure that -- that parking could be configured adequately on the site if it was rezoned to -- to his requested use and he would like to come back, I believe it's on June 24th is the date. That's -- this would allow him additional time to address some -- some concern that's may have come up about traffic and parking for this property.

>> Mayor Leffingwell: First request and no opposition?

>> This is his second request, I don't believe there is opposition to this request.

>> Mayor Leffingwe Okay. The next item is a discussion item, item no. 53. Stem number 5 consents for postponement. C14-98-0150(RCT) - HW Tosca East Wells Branch Parkway Restrictive covenant termination, property owner first request to postpone THIS ITEM TO MAY 27th. 55 Ph . C14-2009-0135 - HW Tosca - The same property on east wells branch parkway, applicant request for POSTPONEMENT TO MAY 27th. 56 Ph . C14-2010-0017 - Great Hills Country Club - Conduct a known as 5914 Lost Horizon Drive, staff would like to remove this from your agenda, pull it from the agenda, we will have to renotify, there was a notification issue with this particular case. 57, C14-2010-0028 - Capital Produce L.L.C.- Conduct a -- For the property known as 9514 Anderson Mill For warehouse/limited office

(W/LO) combining district Disoaj. The recommendation was warehouse/limited office-conditional overlay

(W/LO-CO) combining district Zoning, this is ready for consent approval on all three readings. 58 Ph . C14-2009-0156 - Los Comales On east seventh street. A discussion item. 59 Ph . C14-2010-0020 - 12108 n lamar boulevard. To zone the property neighborhood commercial or Lr district zoning. The zoning and platting commission recommendation was to grant Lr-co combined district zoning which stands for neighborhood commercial conditional overlay, expwiend district zoning, ready for consent on all three readings. 60 Ph . C14-2010-0010 - Storage Depot. Property located at -- known as 5810 N. MoPac S. B. -- South bound frontage road. We have a postponement request by the neighborhood. First request to your May 27th meeting. That concludes the items that I can offer for consent approval at this time.

[One moment please for change in captioners]

>> Mayor Leffingwell: And to close the public hearing and approve item 57 on all three readings. And to close the public hearing and approval on all three readings item number 59. And to postpone item 16 until MAY 27th. Motion by councilmember morrison seconded by councilmember spelman. Any discussion? All in favor say aye. Aye. Any opposed? That passes on a vote of 7-0. That brings us to item 53. Did you pronounce that lime rick? Limrick avenue. office zoning. Although the applicant has or limited office district zoning at the may 4th zoning and platting commission meeting. In addition to limiting the footprint to a maximum area of 2,000 square feet and the vehicle trips to less than 200 vehicle trips per day. The staff recommendation was deny the original for general office district zoning. The property itself is currently developed with an office for a roofing contractor, construction sales and services type of use. The property is bordered by residential uses further to the north of this property. To the east of this property is some single-family residences. To the south across parmer lane is office and the rest is office or lo-co uses. Notice the walnut creek watershed and I want to note again that the property owner did amend their request at the zoning and platting commission meeting and that was recommended by the zoning and platting commission to lo-co with a 2,000 vehicle -- or 2,000 square feet limit on the building and 200 vehicle trip limit on a split vote by the commission of 4-3. At this time I'll pause if you have any questions. I believe there is a representative on behalf of the owner.

>> Mayor Leffingwell: Representing the applicant, you will have five minutes. And showing nobody else signed up to speak.

>> Thank you, mayor, council, jim bennett. guernsey indicated and he's giving you the demographics as far as on PARMER LANE, WE HAVE THE LOs AND COs AND GOs UP AND Down parmer lane. Part of the discussion at planning commission was the point of accessibility to this site. Txdot does not want to give up any more driveways along parmer lane. Current access is from limrick. We also are not proposing any changes to the site, the parking is in place. These were former houses that have been converted for a lot of the uses along through we are proposing a small medical office which -- that's the reason we've limited to 2,000 square feet. That's in the structure that's there. I would point out to council as well there has been no one at the public hearings in opposition to this request. Additionally we canvassed about 25 of our neighbors which I think you have in your backup material. Those neighbors are in limrick and brandi wine, which is the residential properties immediately closeses to us. We didn't go far reaching into the neighborhood. Those 25 signature people have no opposition to the zoning change. And based on the revised application as recommended to you from the planning commission, we request town grant the planning commission's recommendations with a conditional overlace as offered and accepted by commission. I'll be available should you have any questions.

>> Mayor Leffingwell: Any questions for mr. bennett? There are no speakers signed up to speak. Council, the floor is open. Mr. guernsey? Is this item ready for first only, I assume?

>> Just first reading today. We need to perfect an ordinance that would address the 2,000 square foot building limitation and the 200 -- or 200 vehicle trip limitation. So no, if you were to approve this, we would create the ordinance and bring it back at a later date.

>> Mayor Leffingwell: Motion, council? Councilmember Spelman.

>> Spelman: Guernsey, does that have recommendation of the newly revised request by the applicant?

>> We would recommend, again, that the no-mu zoning is appropriate on this property given its location to the neighborhood. It allows flexibility to be developed and used as an office which is similar. We are also not recommending coincidentally a case on the other side of Parmer Lane where the same issue has arisen with the case postponed earlier.

>> Mayor Leffingwell: So your recommendation is to deny?

>> Our recommendation would be to deny.

>> Spelman: What's the basis?

>> This is the entranceway of a single-family neighborhood. If you look, the access in this case, I don't think we would be able to take access to Parmer Lane because of the limited frontage of this particular use. It is appropriate to the single-family which adjoins the property next door.

>> Spelman: Would it be appropriate if they have a driveway on Parmer but they don't access a neighborhood street. Would that be more appropriate?

>> Spelman: Could you -- I don't have any information on the backup as to what the discussion was like in zoning and platting.

>> I think there was generally Bennett certainly can add to this and may be the reason why he amended his request, but generally this is an entering way into a single-family neighborhood. And when you have the circumstances it kind of changes the characteristics of people coming in and out of that neighborhood and its compatibility with adjacent land uses that are more single-family in nature. Unlike some of the other uses that are mid-block and only access to Parmer Lane, that's a slightly different circumstance. The lots that you see that front on Parmer Lane are larger and deeper in the sense you are looking at wider or deeper lots. This was originally developed as a single-family lot. It does allow administrative business offices, professional office. A medical office that has higher trip calculations, but an administrative office which there are administrative offices that do exist along Parmer Lane could be utilized on the property.

>> Spelman: I have forgotten, about how many vehicle trips we are day could we expect in a 2,000 square foot medical office building?

>> I couldn't tell you off the top of my head. But what I could do if you were to approve this on first reading, I can come back and give you a more specific trip count.

>> Spelman: I was wondering whether that 200 limit was close to the actual number.

>> No, I'm sure 200 trip limitation is very low for an office building on this property.

>> Spelman: It has to be one heck of a medical office. Okay, thank you.

>> Mayor Leffingwell: Any -- so essentially refresh me because I've forgotten too, the essential differences between n.o. and l.o. is someone required to live --

>> no, an individual would not be required to live in n.o. Zoning district. The characteristics for height or less. Primarily there's a jump when and then allows the medical office that would not normally be allowed. That's probably in the primary use difference between those two. The impervious cover is also higher in the l.o.

>> Mayor Leffingwell: Could I ask the applicant what is the purpose of requesting l.o. And why is n.o. not work? does not, mayor, jim bennett. does not allow us to have the medical office.

>> Mayor Leffingwell: That's what you want?

>> Yes, sir. Our intent is to put a medical office. If I could just for a moment address councilmember spelman's question. A lot of discussion was the point of ingress and egress versus the residential street versus parmer lane. And that access exists now and it has an office use on it now. It's the zoning change to the so that we can put a small medical office and that's the reason that we put or offered the conditional overlays that you see before you. Basically it's taking the building that's there now that's always been there, the parking is currently there. The access is currently accessing from that same point, so materially there won't be any change in the site. It's existing now with access, it's going to exist the same access. The 10 parking spaces are there now. It's the same 10 parking spaces when the medical office goes in. So substantially it's not going to change and as i indicated we haven't had any of the opposition. We've got the petitions from those neighbors. Substantially, council, i don't think it's going to change anything other than what's existing today.

>> Mayor Leffingwell: So to follow up on councilmember spelman's good point that this trip limitation of 200 trips per day, effectively pretty much limits, I mean it could be a medical office but it has to be a small sort of one-stall operation.

>> That's correct. I believe in the staff's initial recommendation, if was permitted, that they would limit it to 300 trips a day. We don't -- we're offering 200 trips a day. It's simply that structure there is all that can be on the lot.

>> Mayor Leffingwell: Thank you. Anything else, council? Councilmember morrison.

>> Morrison: I have a question for staff. So basically it's sort of coming down to a question of medical

office, and can you give any rationale for why a medical office is allowed in and not -- and not in ?

>> Well, again, it goes back to trip characteristics. Medical offices, they have a greater parking ratio. One space for 200 square feet versus one for 275 square feet of floor area. So they require more parking, more trips that are more frequent so basically it's a more intensive type of use. district would allow more impervious cover, which is 70% versus no. O. which is 60%. When you get in the single-family zoning you are only allowed 45% impervious cover. So some of the site characteristics are different. you are allowed a 40-foot height, in n.o. 35-Foot. So that might be, you know, a slight difference in building height. If they were to construct a new building, certainly they would be subject to compatibility standards so it would have some limitations that are triggered by the residential zoning and

[inaudible] next door.

>> Mayor Leffingwell: One more -- are you finished, councilmember? One more quick question. What are the typical uses in ? I tell you where I'm trying to go with this. Be possible to further restrict another spelled co to say the only use bob medical office? , if you were to do that, there's certain uses, communication services. There's two types of medical offices that are over 5,000 square feet in size and under, but that wouldn't be applicable since they've already limited themselves. The primary difference between those differences is the medical office. There's also hospital service limited is a conditional use in l.o. but not in n.o. In n.o., it's prohibited. And convalescent services, a nursing home, that would be but prohibited in n.o.

>> Mayor Leffingwell: So could we say the only l.o. Permitn.o. uses.

>> Spelman: Move to deny.

>> Mayor Leffingwell: Mayor -- excuse me, councilmember spelman moves to deny. Is there a second for that motion? Councilmember morrison seconds. Further discussion? Let me just say I'm not going to support the motion to deny only because I believe so far it sounds reasonable. We could further restrict it from what is already very restrictive recommendations of the zoning and platting commission has approved that at least we could potentially support this on first reading and have more time to evaluate it. So I'll be voting against the denial. Councilmember morrison.

>> Morrison: I want to explain just a little about my support of the motion. Looking at the map and the zoning map I think is particularly striking that the neighborhood behind it and actually on parmer just to the east of it is sf-1 and sf-2. And so in terms of, like, graceful transitions of zoning, I do agree with the staff recommendation on sticking with n.o. When looking at the map, it's entirely appropriate.

>> Mayor Leffingwell: Further discussion? All in favor of the motion to deny say aye. I will -- I'll be in opposition. So the motion to deny is approved on a 6-1 vote with myself voting no.

>> That takes us to item 58. And this is a property, case c 14-2009-0156 at 2136 east 7th street. This is

to zone the property commercial liquor sales, mixed use conditional overlay, neighborhood plan or cs-1, combined district zoning. The planning commission's recommendation was to deny the zoning change request on a vote of 5-3. Staff recommendation was also recommended for denial. The property is developed with an existing restaurant that's been there many years. A one-story restaurant. And the applicant wishes to zone the property to ensure that the property stays in compliance with the city's regulations and that the -- if the alcohol sales go over the 51%, then they would have the ability to come back and ask for conditional use permit to bring that property into compliance in the future. It wouldn't require a conditional use permit site plan. That would be approved by the planning commission before they could actually operate legally as a cocktail lounge. A site plan could be appealed to the city council. There is a neighborhood opposition from the blackshear-prospect hill neighborhood association and from the ocean, the organization of east austin neighborhoods. That's in your backup. There are also individual notations of objection. And there's also a petition that's signed by several people that support the proposed zoning change and that's also in your backup material. There is a question that arose about the possibility that we could possibly do some covenant or something that if the restaurant use were to cease that the owner could enter into a covenant that basically agrees they would not object to rezoning. After talking with the law department on this particular issue, you are certainly could be a covenant that would be created, but in effect the property owner or the current or future property owner doesn't necessarily waive their right of petition by entering into a covenant. And that you could still have a petition that you would face for down zoning the property in the future which is actually happened once, i think, in east austin where there was a covenant thing we don't down zone, but they wouldn't object to down zone but that did occur. I'm only aware of one instance like that. Certainly any property owner in the future, if the restaurant would be sold and somebody was thinking about going back and trying to down zone, they would be put on notice. Staff does not recommend the covenant be put in place, but it would put somebody on notice that if the cocktail lounge would cease in the future that the down zoning could be maybe more difficult because it would be known that a prior property owner said they would not object to a down zoning.

>> Mayor Leffingwell: Well, all right, then. Do we have a presentation by the applicant? Per chance? You have five minutes if you need it.

>> I don't have a presentation per se, only that I think the key issues here is that he has been a long-standing business and that the change that he's asking is really to go back to what he originally was. And that he's totally willing to be compliant in any way to recapture that. This isn't a situation where we have a new business, new concept, whatever. The change of his business isn't a change that he's making, it's a change that our regs have forced on him as they currently stand.

>> Mayor Leffingwell: Thank you. We have one speaker signed up in opposition. Councilmember shade.

>> Shade: I really -- i don't don't -- I don't understand. I think I heard you say the business is changed and the regulations have changed?

>> No, no, no, no, his business has been consistent but because within our city regulations we only make a distinction in the food service of a cocktail lounge or restaurant, while there's many layers in between, if you are --

>> Shade: Did any regulations in the city change?

>> No, no, no. Because the regulations the way they are currently written as a restaurant, he's not allowed to have sales over

[inaudible] percent.

>> Shade: But he's known that --

>> I'm saying because of the current situations, which has been lasting for over a year, many restaurants have now become come tail lounge without really becoming a come tail lounge, only because of our regulations have deemed it so. Follow me? In other cities of our size, they make distinctions as far as bars and restaurants.

>> Shade: The regulations didn't change. You are saying since he dropped up 50% -- the entire time he's run that business. Or until he changed --

>> actually when he started his business, he did not have that restriction. He would have been the equivalent of a cs-1 20 years ago. The regs were changed by the neighborhood.

>> Shade: Okay. Thank you.

>> You know, by the neighborhood plan, it was down zoned.

>> Mayor Leffingwell: More questions? Hear from david thomas speaking in opposition.

>> I'm going to make a brief statement. I'm here as a spokesperson for blackshear-prospect hill neighborhood association. And for ocean, the neighborhood planning team. We want to reiterate our opposition to the zoning change and request the council not approve the zoning change because of two things. One, the neighborhood plan of 2001 is quite specific in not wanting cs-1 zoning on that corridor. And two, given the owner's past business practices and that he was not forthcoming with the neighborhood, last year about his concurrent efforts to open a bar a couple blocks away, and his agent's misstatements about the level of opposition in the neighborhood, we're not confident that the business model of the restaurant will not change with the zoning change. Thank you for your time.

>> Mayor Leffingwell: Thank you, david. chen, according to our rules, you now have three minutes for rebuttal.

>> Thank you. My question to the opposition is that we have a standard of 500 feet of the affected area of being significant. The petition that we put forth clearly shows a super majority of those people within 500 feet in support of it. Contrary to normal opposition, one would think in this type of a case that your greatest opposition would be closest to the business and would diminish as you go further away. In this situation, it's just the opposite. Those who are mostly affected are in support of it. And those who go further away are the ones have given the opposition. And his statement as to his problems with the owner, those are personal issues. His business has been running in compliance. His business has been -- has had no complaint in terms of its way it's been conducted or otherwise. I have trouble with that, personal issue on a personal business person. Many of us may not like John Mackey, but hopefully he serves our community.

>> Mayor Leffingwell: Thank you. Questions? Council, discussion or motion? Mayor pro tem.

>> Martinez: Thanks. We postponed this item to try to get to a point where we could achieve some consensus. I think there is a little bit of room, but I wanted to ask a couple more questions, Greg, about the private restrictive covenant. In your memo it states that the business would have to cease its operation for up to 90 consecutive days and then you would have the opportunity to strike a down zoning case which the owner could still sign a petition against.

>> That's correct. And by cease, we would typically mean that not just a tenant moves out and theoretically you could have a tenant move in six months later or 180 days later. In order really you are abandoning that use, you may be pulling the electric meter off, you may actually change the nature of the business maybe just to go back to a restaurant or to be some other type of business. So 90 days

>> under our ordinances, you could change ownership because we zone land not people. So the owner could sell tomorrow and another cocktail lounge could operate and so long as they operate in conformance, they could continue to operate.

>> Martinez: Thanks, Greg. Mayor, I think we've tried to figure out a solution. I'm not sure that zoning is the appropriate way to solve business issues. And I think that's what we're doing. We saw this was Buckets Deli, they were able to work with us and change their business practices to comply with the zoning and still remain open. I'm more than willing to continue working on how we solve this issue moving forward because I don't think it's going to be away. Think we're going to deal with these cases from time to time especially in economic down turns. If that truly is the cause of the effect that's happening right now. But I just can't get comfortable with supporting a CS-1 zoning without the assurances of how the business is going to be conducted or how it would be conducted if it were to change hands. And so with that I'll move approval of staff recommendations.

>> Mayor Leffingwell: Mayor pro tem moves approval of staff recommendation which is to deny the zoning request.

>> Second.

>> Mayor Leffingwell: Seconded by councilmember cole.

>> Cole: Yes, mayor, I can certainly appreciate the dialogue that has occurred between the parties and the good faith effort, but I too am disturbed about the items that mayor pro tem has already spoken about and also respective facts that the neighborhood plan did not contemplate this use and i think we should do more to uphold those plans since we put so much emphasis on them.

>> Mayor Leffingwell: And i will be supporting the motion also, noting that we're not requiring this business person to shut down his business. Change the nature of it in that increasing food sales which he's already engaged in above 50% would bring him in compliance with current zoning. Implicit the motion, of course, is closing the public hearing and [inaudible]. Any further discussion? All in favor of the motion say aye. Aye. Any opposed? Passes on a vote of 7-0. And I believe city clerk, if my calculations are correct, we are out of zoning cases and other kinds of cases and so time certain, so without objection, council, we're in recess for 10 minutes. Western oaks retail center located on west william cannon drive. Staff is requesting a two-week postponement to your next meeting. We would like to address some issues that have arisen regarding processing of the original application that I'm not prepared to answer this evening. We have spoken to s.o.s. Representative and representative of the property owner and I understand both would not object to this postponement. So this is a staff requested postponement for two weeks to MAY 27th.

>> Mayor Leffingwell: Without objection, council, item 61 is postponed until may 27th. Hearing no objections, that is the case, 61 is postponed UNTIL MAY 27th. There are no more items on our 00 so we stand in recess until 6:00 p.m. His good okay, I'm mayor pro

tem mike martinez, it is  
30, that means it's time  
for live music and  
proclamations, tonight we  
have a very special guest.

We have tortilla factory  
h in the house tonight,  
they're going to sing us  
some tunes, this is texas  
chicano, the chicano band  
originated in 1973 still  
delighting audiences today  
with their unique blend of  
american, tejano and latin  
music.

Funny here they have it  
written out phonetically,  
because the mayor when he  
reads don't know how to say  
tejano.

[Laughter]  
so they have it -- they have  
it ta-han-o.

Pretty good.

Sorry about that, guys  
[laughter]  
their original sound and  
style has made them one of  
the top texas bands.

After 35 years, tortilla  
factory is still keeping  
their tradition alive with  
their grammy nominated album  
all that jazz.

It displays a mix of jazz, r  
and b and pop sounds,  
currently the band is  
recording two new albums  
that will be released this  
year.

Please join me in welcoming  
tortilla factory.

Take it away.

>> Thank you.

>>

[ âTMaâTMa music playing âTMaâTMaâTMaâTMa ]  
âTMaâTMaâTMaâTMa

âTMaâTMaâTMaâTMa

âTMaâTMaâTMaâTMa  
âTMaâTMa âTMaâTMa  
âTMaâTMaâTMaâTMa

[ applause ]

>> that was pretty smooth.

Thank you.

>> Yeah.

>> I would like to -- that  
mng my dad, the found -- the  
founder of the band, tony.

[ Applause ]

it's an honor to be here for  
you, sir.

>> Thank you very much.

I do have a proclamation,  
but I want you to -- to  
introduce the band to us,  
let us know why we can buy  
your music, if you have a  
website and let us know  
where your next gig is.

>> Okay.

I would like to start with  
my tortilla factory

personnel, with my musical  
director, mr. ian fry.

[ Applause ]

>> there's not too many  
bands that have drummers as  
musical director, so that  
right there should tell you  
how talented he is.

In the back, on -- well,  
robert  
rodriguez.

[ Applause ]  
he's a very talented  
musician.

The italian stallion,  
[laughter], on guitar, mr.

Eric calistri.

On trombone, we have max.

[ Applause ]  
omar is playing sax for us.

Another very important piece  
of the tortilla factory on  
trumpet, mr. mark lozano.

[ Applause ]  
very talented lead trumpet  
player, mr. john ontiveros.

And let me tell you about  
our base player back here,  
this is how dedicated he is  
to tortilla factory.

He does a 200-mile round trip every week, like three times a week, from waco, a very talented and dedicated bass player, rincon.

And on congas, looking smooth, mr. chris lippe.

[ Applause ]  
on keyboards, a very, very talented musician, daniel.

[Laughter]  
[ applause ]  
we have my -- of course my beautiful sister, lara, a very talented vocalist.

On the rap skills, my man, pedro davila.

[ Applause ]  
and again, I can't reiterate how humbled I sit right here performing on stage with tortilla factory, that i inherited from my father, mr. tony guerrero.

[ Applause ]  
my beautiful mother, norma guerrero.

She keeps -- by the way, she keeps the family together.

She's the one.

I would like to also recognize my brother, shaun

guerrero, my brother  
[indiscernible] guerrero,  
his beautiful family, my  
daughter mikala, sierra, san  
santiago and the most  
talented publicist in  
austin, texas.

Dean [indiscernible]

[ applause ]  
by the way, my name is  
alfredo.

>> You are not doing the  
mexicano stereotypes.

>> Oh, I forget to tell you  
guys -- we are performing at  
the pachanga fest, not this  
saturday not this saturday  
by the second, fiesta  
gardens, 10 bands out there,  
man, it's going to be a  
huge -- well, it means --  
well, there's going to be 20  
bands, yeah.

Pachanga means party, it's  
going to be a party festival  
all day long and you can buy  
our cd's at  
[tonighthanguerrero.com](http://tonighthanguerrero.com).

Also on facebook under  
tortilla factory.

My space.

Tortilla factory.

And -- and we have -- we have -- after the panchanga fest we will doing some shows in town at momo's, gore I can't, el sol, and ruta maya.

Look at our website it will give you our right 10ary.

>> Thank -- itinerary.

>> Thank you, I want to give you the proclamation.

Be it known whereas the city of austin, texas is blessed with many create active musicians whose talent extends to virtually every musical genre.

Austin supports good music produced by our legends, local favorites and newcomers alike.

Whereas we are pleased to showcase and support our local artists, I leave leffingwell, mayor of the city -- mayor of the live music capital of the world do hereby proclaim may 13th, 2010, AS TORTILLA Factory day in austin, texas.

I want to present this to you guys.

[ Applause ]

>> thank you guys.

[ Applause ]

do we have some student gardeners that are going to come up?

Okay.

We're here tonight to talk about one of my favorite subjects, food.

So -- so -- and particularly about the sustainable food.

And the movement that we're seeing all over the city of austin, all over the country, is a move back towards sustainable food system as much as we can, where we try to support people who grow food locally.

And who -- who have established community gardens or local farms or in this case a middle school.

Which is very interesting.

So we have a -- behind me here, a whole group of folks from kealing middle school who have -- who have planted a garden in -- oh, you -- you brought us vegetables?

So each one of them is going to say a couple of words.

First of all, I want to congratulate them and thank you very much for coming down here and thank you for what you are doing.

It's a great thing.

It's -- it's a hobby that hopefully will follow you all your life and you'll be productive and be able to sustain yourself and feed your family, all of those things.

So if -- the proclamation be it known that whereas the citizens school and sustainable food center made a school garden apprenticeship policy at Kealing middle school where the students planted their learning garden and whereas the 2010 fearless foodies, that you, the fearless foodies, learned about the life cycle of an organic garden by planting, mulching, watering, harvesting, preparing and eating the food and composting the scraps to make a new soil and whereas the fearless foodies also learned community

leadership, presentation skills, while expressing themselves culturally.

Whereas the fearless foodies support sustainably food.

I here by proclaim spring 2010 as kealing fearless foodies garden days in austin, texas.

Congratulations.

[ Applause ]

>> I'm going to pass this mike along, each of them wants to say a couple of words, start at this end.

Start with you, okay.

>> Okay, my name is meghan chaplain, I'm a team leader for citizen schools at kealing middle school.

.. which is a national -- nationwide after school program for middle school students and every semester we do appear apprenticeships where we connect students with others in the community.

This semester I had the pleasure of working with fearless foodies.

>> Kealing food garden fuels the -- teaches the life cycle of an organic garden.

Prepare the soil by -- preparing the soil.

Use a shovel to dig deep into the soil and remove all the extra roots.

People.

>> Composting.

Collect food scraps, add leaf and waters, rotate the compost, bugs, bacteria and fungi break down the materials to make -- to make a new rich soil.

>> My name is amber, I'm actually the citizen teacher for the fearless foodies.

I taught plant science section of the apprenticeship.

When you comes to plant nutrition, plants use -- require many chemical elements to grow.

But there are three major macronutrients that plants use, that's nitrogen, phosphorus and potassium.

>> We used plant charts to

determine what we could  
plant in march and april and  
made lists and chose  
different plants and we  
tomatoes and we  
drew a rough graph to plan  
the garden and all of us

chose the plants that we  
wanted our plants to go.

>> Planting seeds you have  
to poke a hole in the soil,  
put the seeds in one by one,  
cover the seeds with the  
dirt.

Planting transplants you  
have to dig a hole, gently  
loosen the roots, put the  
transplants in the hole and  
cover the -- surround the  
transplants with the dirt.

>> Hello, my name is shina  
williams, I'm going to be  
doing weeding and mulching.

Good free wood chips from a  
local arborist, spread two  
to three inches deep on the  
garden, don't cover the  
plant.

Mulching conserves water by  
preventing evaporation.

Mulching keeps down weeds.

>> So without  
photosynthesis, life on this

planet as we know it  
wouldn't exist.

Humans wouldn't exist and  
our garden wouldn't exist.

Plants need photosynthesis  
and photosynthesis is key to  
life.

Plant reproduction.

Basically, and simply,  
flowers equal reproduction,  
pollination plus  
fertilization equals fruit.

This is evident in our  
garden because our tomato  
plant are abundant with  
flowers right now that will  
soon produce fruit.

My name is grace, I'm doing  
harvesting.

We have harvested the winter  
vegetables, turnips,  
broccoli and that was in  
early march when we were  
planning our garden and  
preparing the school.

Lettuce in early march.

Preparing the food.

Check the food to see is it  
fresh or are there any bugs  
on it?

Clean the food, cook it or  
fix it raw, prepare a  
delicious meal.

>> Okay.

Thanks to the citizens  
schools, kealing middle  
school, sustainable food  
center, keep austin  
beautiful, united way,  
special thanks to citizen  
school garden mentors,  
[reading graphic], for  
letting us use the space and  
happy gardening everyone,  
thank you.

[ Applause ]

>> fearless foodies, you  
want to take a picture?

Is -- is chuck -- isn't that  
a movie star's name, chuck  
morrison?

Chuck norris, okay, that was  
close.

[Laughter]  
looks like you have a lot of  
admirers here, chuck.

>> Good friends.

>> Well, okay.

>> Mayor Leffingwell:  
Tight community in the  
e.m.s. department.

[One moment please for  
change in captioners]  
such an important function,  
going to retirement, leave  
the city service, leave  
friends behind, yet it's a  
sweet moment too because  
you've got a lot ahead of  
you and you're going to  
enjoy all of that time off  
..

[Laughter]  
they're laughing at you.

They don't think you can do  
it.

It will be my pleasure to  
read the distinguished  
service award to you for all  
of your years of service to  
the city, and an especially  
important department.

The department that means  
life and death to so many  
people.

Really appreciate your  
service.

So the distinguished service  
award after more than 30  
years of public service with  
the city of austin during  
which he has demonstrated  
both excellence and  
dedication to this  
community, chuck morrison is  
deserving of public acclaim

and recognition.

He has helped to build the foundation of a nationally-recognized free hospital provider, first known as austin emergency medical services and most recently as austin travis county emergency medical services.

Chuck has exemplified the department's mission to preserve life, improve health, and promote safety, for many years chuck distinguished himself as a leader and set a department standard to accept nothing less than the best for its patients.

Throughout his career, he has touched hundreds of lives and saved more than a few.

It is with heart felt gratitude and a keen sense of loss that we recognize chuck's many accomplishments with this certificate.

We present it with our deepest admiration and APPRECIATION, 13th DAY OF May, in the year 2010.

The city council of austin signed by myself, mayor lee leffingwell.

Congratulations.

[ Applause ]

okay, chuck, we'll give you the opportunity to either set these guys straight or thank them.

Your choice.

>> All right.

[Indistinct chatter]

>> they're really scared right now.

They think it's going to be a long speech.

But it's not.

The best thing about what I've accomplished over the years is the people that I've worked with, and the relationships that you go along because it's been a journey, it's been an awesome experience.

I came here when I was barely 21 years old, and I've been able to experience everything a paramedic could ever experience in this system.

The city of austin and travis county is a great place to work.

It is one of the finest  
places to live.

They provide us with the  
finest of equipment, the  
finest training, the  
stations are awesome, and it  
took me six applications to  
get here, but I never  
stopped.

And I want to thank my  
family for the -- for a lot  
of those times where public  
servants actually have to  
work in days, birthdays,  
easters, holidays, all of  
these things and for not  
being there, recitals,  
ballgames, it just happens  
as a matter of public  
service.

But again, thank you so  
much, thank all of my  
friends for being here, i  
don't -- I'm overwhelmed,  
but I didn't know what to  
say at first and I talked to  
a friend of mine earlier  
before I got here, I said,  
you know, I'm nervous, i  
don't know what to talk  
about, I don't know what to  
say, he said chuck, he said  
I remember I got ain't ward  
one time, and I was getting  
award with michael dell and  
his wife, and he said you  
talk about nervous, he said  
my boss slid me a piece of

paper and it said enjoy the moment.

..

[ Applause ]

I'm enjoying the moment.

Thank you.

57600

congratulations.

>> There you go.

>> You guys stick together,  
don't you?

>> Yeah.

>> Keep walking and don't  
look back.

>> Howard.

Doing great.

Well, I've got to say this  
is the first proclamation  
I've done for the public  
works department, and it's  
long overdue.

[ Applause ]

this is the department  
that's responsible for  
closing down all those  
streets and blocking all  
that traffic.

[Laughter]

just kidding, howard.

Howard and I were talking about this earlier in the day, you know, complaining about west cesar chavez, i said they're working on west cesar chavez, they're putting the overpass for the bicycles on there, I came in on west fifth, they were working on that one too.

But, as howard said, that's a good sign.

That's a sign of progress.

All of these rough old streets that we have downtown that are full of patches and pot holes, we're going to wake up one morning and they're all going to be smooth as glass and it's going to be thanks to howard, lazarus and the folks in the public work department that really make all of the other parts of the city work.

Underrecognized I would say the department of public works, and so that's what we're here to correct today with this proclamation, which says be it known that whereas the department of public works, austin energy, austin water utility, contract and land management, parks and

recreation, solid waste  
services, transportation and  
water shed protection  
provide infrastructure and  
services known as public  
works and whereas the  
american public works  
association reminds us that  
public works is above,  
below, and all around us,  
and whereas we recognize the  
outstanding contributions  
that the employees in these  
departments make toward  
maintaining and enhancing  
the quality of life in our  
community, now therefore, i  
lee leffingwell, mayor of  
the city of austin, texas,  
do hereby proclaim may  
16th through the 22nd,  
2010, as public works week  
in austin, texas.

Let's hear it for public  
works.

[ Applause ]

so howard, are you the  
designated spokesman?

Okay.

>> Mayor, thank you very  
much for the proclamation,  
as the mayor read, the  
public works family here in  
the city of austin extends  
well beyond your public  
works department, there's a  
lot of partners and team  
members in the thing that

makes the city go every day,  
I'm glad to be joined by my  
fellow public workers here  
this afternoon.

I'm going to introduce each  
one.

baldamero ramirez from  
public works, our central  
district.

Olivia trevino from the  
operations section of the  
watershed department.

Toni randall.

Carol stewart, rick wilson  
from contract and land  
management.

Lionel benford from solid  
waste services and our  
program man in the public  
works department along with  
sarah hartly who is our  
public information manager.

Takes a lot of coordination  
for the team to function  
each and every day when we  
come to work, it's a  
pleasure to deal with all of  
the professionals that  
support the city functions.

These are the folks who are  
out there in the middle of  
the night sanding the roads  
when there's ice storms,  
delivering power to your

house, making sure you have safe water to drink, ensuring that we have world class parks to recreate in, as well as taking care of our streams to make sure they don't get flooded.

It's a great thing we have here.

It's one of the most outstanding professionals in public works I've ever had the opportunity to deal with, so please join me in giving a round of applause as well.

[ Applause ]

we have a couple of gifts for you, mayor, but before i say that, I found something out about the mayor also, sitting up on the -- on the dais, there's little candy dishes up here, if you steal chocolate from his dish, you get the dirtiest look you've ever seen.

[Laughter]

>> mayor, I have a couple of things for you, all well-appointed mayors have a public works shirt.

We have a framed poster from public works week.

The team this year is above,

below and all around you,  
the people joining me today  
are in fact above, below and  
all around you.

Thank you very much.

>> Thank you.

>> You're welcome.

>> That's a work of art.

>> My pleasure to welcome  
all of my asian friends who  
live in the city of austin  
to city hall, beingonored.

Many of you have known for a  
long time and I really  
appreciate and I feel like  
I'm better for the  
experience of having known  
you, and having the  
opportunity to attend the  
many cultural events that  
you bring to our city every  
year.

You know, it's -- it's very  
important I think to do two  
things at once in this case:  
Maintain your cultural hair  
hair -- heritage and at the  
same time assimilate and  
make a great contribution to  
the city of austin.

And there's no question that  
the asian american  
community, which, by the way  
the fastest growing

cellularment of populations  
in the city of austin.

We expect next year they  
will total almost 8% of the  
population after the census  
results are in.

So we really value the  
contribution that they have  
made, and some of you may  
know that they're well on  
their way, they're doing  
most of the work themselves,  
raising most of the money in  
the city, doing a little bit  
of help, the asian american  
resource center which will  
be in northeast austin, so  
that will be a great  
facility, not only for folks  
to go and visit for cultural  
opportunities but also be a  
business center where we can  
meet people as they come in  
from different parts of the  
world to visit austin and to  
talk about our mutually ben  
beneficent opportunities.

I visited taiwan china, it's  
not taiwan china, it's  
republic of china in taiwan,  
we have a sister city there  
which is our second oldest  
sister city over 20 years,  
kai chung.

So it was a fast trip.

It was 8 days.

But it was such a great experience to get over there and meet our sister city folks and see the wonderful job that they've done rebuilding their economy basically since world war ii from the ashes into one of the great industrial economic economies in the world today.

So with that said, I want to read this proclamation and then give the mayor pro tem an opportunity to say a couple of words.

Proclamation reads be it known that whereas asian pacific american cultural heritage month is nationally recognized as a time to celebrate the diversity of asian and pacific island cultures and their influence on our community and whereas these citizens speak many languages, honor countless traditions and practice different faiths, they are bound by a shared commitment to freedom and liberty and have contributed to our city through their talent and hard work and whereas the network of asian american organizations represents many of the organizations focused on preserving the asian pacific american cultural traditions

including the city of austin  
asian american employer  
network, aaen, now therefore  
I lee leffingwell, mayor of  
the city of austin, texas,  
do hereby proclaim may 2010  
as asian pacific heritage  
month in austin, texas.

Congratulations to all of  
you.

[ Applause ]  
mayor pro tem?

>> Thank you, mayor.

I'll be brief, but I did  
want to congratulate our  
asian american community  
here in austin texas for  
celebrating their culture  
and heritage with us.

You know, there are in my  
opinion two kinds of pride,  
there's sho efnistic pride,  
and then there's what I call  
real pride, you can be proud  
of who you are to the extent  
that you share wit the rest  
of the community and you  
invite them to join with  
you.

I congratulate the asian  
american community and i  
thank them for all of the  
service and dedication that  
they provide to austin as  
well as the cultural aspects  
and the great food.

Thank you.

>> Thank you.

Do we have a spokesman?

Spokesperson?

>> Hi, my name is phil  
hao pbg.

I'm the president of the  
organization.

Allow me to introduce our  
new president elect.

[ Applause ]

>> this is what happens when  
you get older than 40.

>> I got them right here.

>> I would like to recognize  
a few people who stand with  
us here today.

The chairman of the austin  
asian american chamber of  
commerce, the executive  
director of the augs asian  
american chamber of  
commerce, and our own city  
austin chairman, own asian  
employee network and also  
joined by sarah chan.

Also michael chin with  
the -- and judy lee with the  
represented austin chapter

of taiwanese chamber of  
commerce.

Mayor, mayor pro tem, thank  
you, we are grateful for the  
proclamation and recognition  
of the asian pacific  
heritage month.

We want to thank the city  
for the on going partnership  
that we have been in the  
past and hope to continue in  
the future.

The city of austin has  
helped the asian community  
realize a long-term vision  
in the planning, design and  
eventually construction of  
the asian resource center.

In the spirit of working  
together it is important to  
do even more as it is  
expected that the asian  
population in the austin  
area is reaching 8%.

Consequently it is important  
that our relationship be  
strong and united in order  
to meet the challenges and  
increase in population.

We accept this proclamation  
with gratitude, and spirit  
and intend that we will  
continue working together  
and as a sign from the city  
that there's no room for  
tolerance, discrimination,

and bigotry in the city organization nor in this community.

Thank you.

[ Applause ]

>> I just want to make a quick announcement.

Tomorrow we'll be hosting our annual asian american heritage culture celebration at palmer event center.

It's a free event and would like to invite everybody to come to join us to enjoy shows from various asian countries.

Also, on behalf of the city of austin asian american employee network, we want to thank mayor and the city council for the support over the years, the city of austin is not only a great city to live in, it's also a great city to work for.

Thank you.

>> Hey, there.

I'm chris riley with the austin city council, and it's my great privilege tonight to have an opportunity to recognize a young woman who through her

efforts has demonstrated how one citizen can achieve real change if she just cares enough to step up and take action.

This story starts, really, with the -- with the white ghost bikes that we've all seen on the side of the road.

Usually we just see those and drive on our way.

Except tory was troubled, she wrote a letter that appeared in the austin american statesman, you might have seen it last december, she said she was saddened by white bicycles and memorials.

She asked why can't the city that has the most famous cyclist lance armstrong apply some paint and help protect these people.

If it's a matter of money, i will be happy to start a fund raising effort to make this happen.

That letter caught the attention of our ever vigilant bicycle staff.

And she got in touch with a contact at the texas department of

transportation.

She had had that kind of contact many times before and txdot had always said, no, we can't do that, we can't put out signs out there, she was referring particularly to the areas along 360 where we actually have lost a lot of cyclists, it has been a real problem, but then, and he pointed out this letter, and then -- then we started to actually see some movement and through some persistent effort on the part of our staff and tory, we finally got some movement and this week 7 signs were installed along 360 and 2244 warning people of the dangers along there.

[ Applause ]  
and -- and it all happened just because of the efforts of the young tory here.

So I want to recognize her with an official certificate from the -- from the city council.

And it reads like this.

The certificate is presented to tory pylypec in recognition of her efforts to institute safety measures for riders on loop 360.

What began as a letter to editor of the news paper, led to communications with city bicycle programs and eventually with txdot, thanks to her and her father's persistence, 11-year-old tory got txdot to provide additional signage posted along 360.

She's proof all citizens have a voice and can make positive changes for our community.

Tory is an inspiration for us all, we are pleased to recognize activism especially during national bike month presented this 13th day of may in the year 2010.

And I'm so honored to be able to present this to you.

Would you like to say something?

>> Sure.

Good evening, everyone, thank you so much for this honor.

From this experience I've learned that even an 11-year-old can make a difference and if you believe that something is

right, to fight for it.

For all the kids out there i know that you can make a difference too, just like i did, no matter what it is.

I've lived in austin since i was born, I'm glad I can help make it a safer place for cyclists.

When I noticed the white bicycles on the side of the road three years ago, I knew something had to be done.

I did not realize many people had brought to my attention that cyclists also have a responsibility.

I saw a group of people riding on west lake drive the other day, which is a very windy road and it does not even have a shoulder for them to ride on, I encourage all cyclists to please stay safe by making wise decisions on riding on safe roads.

I would like to thank my dad for all that he has done and if it weren't for him, i probably would not be standing up here talking to everyone today.

He has told me to never give up.

So thank you, dad, for all  
of your help.

Once again, thank you for  
this honor.

[ Applause ]

>> thank you so much.

Thanks so much, tory.

>> I also want to recognize  
our bicycle pedestrian staff  
and other folks involved in  
the bicycle community.

Please be kind to cyclists.

>> Thank you so much.

It is a honor [inaudible]  
thank you very much for  
helping out.

[ Applause ]

>> I represent both the  
austin cycling association  
and the bike shops of  
austin, and all of our  
customers that we value very  
much, and we just are  
thrilled that tory has  
stepped up and joined the  
ranks of bike advocates.

Thank you.

>> Thank you.

>> We're going to take like a 30-second intermission before we get on to the next proclamation because we have to very quickly call our meeting to order to postpone an item to adjourn so that our -- some of our council members can leave.

So excuse us for just a second.

>> With a quorum being present, I'll call the meeting of the austin city council back to order and we have one agenda item remaining, mr. guernsey?

>> Thank you, mayor pro tem, and council, my name is greg guernsey, planning department review, item number 62 is a postponement on a public hearing on appeal of the zoning and platting commission's decision to deny conditional use permit application at 1600 west 38th street, the request is a first request from the applicant.

This is postponement until june 10th at 6 o'clock in this same chambers and i understand that the neighborhood does not object to the first postponement request, so we offer consent postponement.

>> Great, councilmembers, as a reminder, we do allow one courtesy postponement.

This is a request by the applicant?

>> That's correct.

>> So we will be granting the courtesy postponement, I'll entertain that move.

>> So moved.

>> All those in favor say aye?

Opposed?

That motion carries on a vote of 4-0 with the mayor, councilmember spellman and shade off the dais.

>> Thank you very much.

>> Madam clerk, I think that is all the agenda items for the day, so with that exception we will stand adjourned.

>> We try to be a kid friendly council.

There was a soccer game that someone needed to get to.

So thank you all for doing that.

I'm really honored to be joined by these folks.

I'm going to share three simple facts.

The first fact is that one in eight women in the united states will get breast cancer.

The second is that early detection is the best defense against -- for women that do get breast cancer, and the third is that mammograms for women over 40, 40 and over, is a really important tool for early detection.

So we are fortunate at the city of austin as employees of the city of austin that our insurance covers mammograms 100%, but what we found was that women -- only 37% of the women that really are in the population, eligible for getting mammograms that work at the city were -- got a mammogram last year, so we decided to do something about that.

And then start a mammogram campaign and it's been a group effort, as you can see here, there have been a lot of people involved, and i want to just quickly mention

and introduce some of the folks, we have hr staff who have been really important in putting this together, mark washington, karen heywood, channel six has been an important part as you will see in a minute, especially abel villerreal.

City of austin employee from the austin water utility.

Tyra ardijsami with the austin energy who is here -- she's with austin energy but she's co-chairing the 2010 race for the cure which is really great.

Appreciate that.

We've had a lot of help from the komen foundation in terms of putting together all the details and approaches to our outreach especially for cavanaugh who is the director of outreach firms for komen, and several other komen folks here, st.

David's brenda bowman, and last but not least in my office, barbara rush, who is not standing here, but she's over there, who has really helped push this forward and make it all a reality.

You'll also be introduced to some additional employees

who were in the video that you're going to see in a second.

It's -- it's been a lot of fun putting together the pieces of that, and to give you a little introduction that this is going to be the premier of this video, that gives an introduction to the campaign that's going to be sent out to all of the employees, because our goal is to really make a difference in the health and well-being of the city employees by encouraging them all to get all of us to get mammograms.

One of the things any time you're ready, just let me know.

Oh, you are?

Okay.

One of the things we have to keep in mind is that I think that women, especially women employees, tend to put their health last and take care of everybody else first, so we found some really exciting ways to make that happen.

I learned a phone call from my position at my office.

Learned I had cancer,

the tests came back positive for breast cancer.

>> Having a loved one with breast cancer affects me.

It affected me but not being able to cure them, not being able to make it right.

>> The advice I would give to family and friends of breast cancer patients would be just to listen.

Just to be there to listen, to be patient with them.

They're going through different types of treatment, and so it's always helpful to have someone there just to listen.

>> Raising breast cancer awareness is very important to me, and it is because early detection of breast cancer in my wife's case saved her life.

>> Hello, I'm councilmember laura morrison and I have a family history of breast cancer.

Last year when I was supporting the komen foundation to raise funds for uninsured women to get mammograms, I found out that

only 37% of eligible female employees at the city of austin had gotten mammograms in 2009 despite the fact the health insurance covers the cost 100%.

In response the city of austin has launched a breast cancer awareness campaign called knowledge is power to encourage eligible employees and their dependents to get their mammograms.

Our goal is to reach at least 1200 mammograms by october, which is breast cancer awareness month.

I am proud of what the city is doing.

The campaign will include mammo mixers at saint david.

These mixers are scheduled from now through september and you and your coworkers will get a mammogram in a relaxed and supportive environment.

You also will receive a massage and man cure and refreshments.

Sign up today for one of the scheduled mixers, help us reach our goal and sign up today to ge mammogram.

>> But I think we had just -- we have mixers scheduled throughout the summer, employees can go on, train and do that, I just wanted to say that I got to go to the very first one, we had our second one today, they've been fully subscribed and a ton of fun, the other women, it's been 100% received.

For all of our women employees out here, I would encourage you to get together with your friends and do that, sign up for one.

And with that, what I want to do is really thank the human -- excuse me, the human resources department for all of the work that they have put into this, and I have a proclamation I would like to present to mark Washington who is the director who has been working very much.

Proclamation be it known whereas breast cancer is the number one cancer killer of women and the risk of contracting the disease increases with age and whereas the city of Austin has launched a knowledge is power campaign to increase breast cancer awareness in

the workforce and to encourage women 40 and older to get a mammogram, covers at 100% in network providers, so there's no charge to women employees and spouses covered under the city medical plan and whereas early detection through best self examination or mammography is the best course of action to survive breast cancer, 96% of women who find and treat breast cancer early will be cancer free after five years, I Lee Ieffingwell, mayor of the city of Austin Texas do hereby proclaim the year 2010 as the inaugural year of the get a mammogram campaign in Austin.

[ Applause ]

>> thank you, councilwoman Morrison, we appreciate the ability to partner on this important campaign, as this is just an extension of our employee wellness campaign in addition to the mammogram mixers and the massages.

We are going to have in July a special health fair and we'll have the on site mobile mammography unit from Seton here, that will be covered as part of an employee benefit as well.

Much has been said about the preventive coverage that the city employee -- city employees and retirees currently receive.

I want to thank again all of those employees that were mentioned before in addition to those that you saw in the video, our superstars, the movie stars, special thanks to sue soy from library, you've seen here, kelly joe raspberry, from watershed protection is not here, charlene neal from public works.

Thank you.

Judith olvera from transportation is not here tonight.

Dana berry, we'll hear from her shortly from austin water utility and her daughter, which is happen -- happy to see her mother on tv.

And peter pwarger, I believe his family is with him today, susan, tom and drew, correct?

Thank you for being here.

Again, thanks to my staff, karin and plemmy, for an

outstanding job.

At this time I would like to present dana barry.

Dana?

washington  
and mayor and council  
members, my name is dana  
barry, I'm a breast cancer  
cosurvivor, I lost my  
paternal grandmother to this  
disease and in 2006 my  
mother was diagnosed with  
breast cancer, with this  
family history you would  
think getting my first  
screening would be a  
no-brainer, right?

Well, not exactly.

I had heard horror stories  
from other women and I was  
not looking forward to it.

For months I kept hearing an  
advertisement on the radio  
about something called a  
mammogram mixer at saint  
david's medical center.

I called and made an  
appointment a few times only  
to call back and cancel  
because of fear, each time  
the representative was very  
nice and kindly rescheduled  
me for the next screening.

I finally attended and

cannot tell you how smoothly  
the whole process went from  
the the time I walked in  
until the actual exam,  
everyone was very, very  
supportive.

The technician made me feel  
very comfortable.

She explained the process  
and allowed me to ask  
questions before we got  
started.

From start to finish,  
getting a mammogram at st.

David's was one of the best  
experiences I've ever had in  
a quote, unquote doctor's  
office.

I'm happy to report that my  
mother is now a breast  
cancer survivor, following  
surgery and radiation  
treatment.

Unfortunately my grandmother  
did not have the modern day  
procedures that are  
available to us.

I would like to encourage  
you to go and get your  
mammogram.

You'll be glad you did.

Thank you.

[ Applause ]

>> you can see it really take as whole lot of people to put this campaign together, and thank you so much, and employees will be able to look on -- they will be getting messages about how to sign up and keep your eyes open for posters around the city buildings.

Thank you very much.

[ Applause ]

>> whole audience watching on tv.

Look, if you come stand over ..

>> All right, it's my pleasure to once again recognize an incredible organization in southeast austin, river city youth foundation.

With us we have some of the kids that participate in the programs at river city youth and of course mona gonzales from river city youth foundation herself, I want to read this proclamation and then offer a few brief comments.

Proclamation reads be it known whereas the river city

youth foundation is an organization dedicated to improving the quality of life, the youth of our community, our most precious resource.

And whereas the foundation's programs are designed to foster self confidence, academic achievement, personal growth, healthy living, city pride and concern for the environment and whereas this year's celebration honors the achievements of both the youth and those individuals, organizations and businesses who support them in a ceremony with the theme beacons of light for a brighter future, now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 10th THROUGH THE 14th, 2010, AS River city youth recognition week.

Congratulations.

Mona, would you like to say a few words?

>> Thank you, mike.

As always, it is such an honor to be here representing such a fine organization, river city

youth foundation and the hundreds and hundreds of young people that are helped by the organization every year.

Our theme this year has been beacons of light,.

[Speaking in spanish]  
for a brighter future.

[Speaking in spanish]  
for over 25 years, this organization has been reaching out to austin's most poor and austin's most at promise.

And tonight we have a few of the kids that have been recognized through this youth recognition.

We had our big recognition last night at saint edward's university, and some of the kids were not able to make it this evening, but they're watching by tv, and I want to call out their names, the youth leader, jorge patino.

The most friendly teen, summer savano most likely to succeed, devlin thomas, most respectful ricardo vasquez is here with us, future computer teacher, hakim sterling is here with us.

Most technology connected,

julian castillo is here with us.

Most humorous.

Most studious tanya vasquez.

Most improved academics, blake hunter, most improved language skills, daniella avila.

And this year for the first time we have the river city youth foundation 2010 fitness award that went to our soccer player, alexis espinoza, and the 2010 river city youth foundation, some award that has gone to shakury reames who is here with us.

We have a lot of land out there who has been donated and we're always planting and harvesting and feeding the kids.

We also have family of the sady, gauge, summer and her parents and the most empowered parent is here with us, deborah verra and the chuck win service award winner for this year is claire sword who is our licensed social worker and works with the kids year round.

We had many supporters of the year, too many to name, but I'm going to name a few of the key ones and they are austin bridge builders alliance, austin hispanic firefighters association, mike, you're somewhat familiar with that group, austin police department, the apd amigos, the austin ridge bible church, best buy, capillary food bank, carousel pediatrics, central road and utilities, city health and human services, emmerson, dell foundation, the junior league of austin, new york life foundation, n.f.l., al leslie mouton al -- alumni.

Pluckers, that hosted us for christmas eve, all of our families, it was a wonderful event, psp architects.

Saint edwards university, ut higher longhorn program, you teach, the well bible church, wells fargo and there are many, many more.

We are delighted to be receiving this proclamation, mike.

It means a lot to the people who help this organization and those who receive the services.

Year round it is a safe

place.

Once upon a time that area was very dangerous, thanks to the hundreds and hundreds of volunteers and wonderful folks that have come out to help, we have reclaimed a piece of property, a piece of land in the area, southeast austin, that is now safe, beautiful, and a place to prosper.

I have heard it said that an open mind collects more than an open purse, and I believe that.

We are training the future with technology, through mentoring, we're feeding them, we're loving them.

It is a brighter day tomorrow.

Thank you so much, mike, for all of your support.

>> Thank you.

>> And god bless you.

[ Applause ]

[â™ªâ™ªmusic playingâ™ªâ™ªâ™ªâ™ª]

**End of Council Session Closed Caption Log**